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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH:
C U T T A C K.

Original Application No. 689 of 1995.

Cuttack the 8th day of October, 1996.

Ramesh Chandra Hota. ... Applicant.

Vrs.

Union of India and others. ... Respondents.

(FOR INSTRUCTIONS)

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

Ramesh Chandra Hota
(N. SAHU) 8. x. 96
MEMBER (ADMINISTRATIVE).

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH;
C U T T A C K.

ORIGINAL APPLICATION NO.689 OF 1995.

Cuttack this the 8th day of October, 1996.

C O R A M :

THE HONOURABLE SHRI N. SAHU,
MEMBER (ADMINISTRATIVE).

Ramesh Chandra Hota, aged about 35 years,
Son of Late Trilochana Hota, At/P.O.Nirakarpur,
District- Khurda.

Presently working as Assistant Engineer,
High Power T.V.Transmitter, Tulasipur,
Cuttack.

.... APPLICANT.

Versus.

1. Union of India, represented through
Director General, Door Darshan,
Mandi House, New Delhi.

2. Station Engineer,
Door Darshan Maintenance Centre,
At/P.O.Jejpore, District-Koraput,
Orissa.

.... RESPONDENTS.

Advocate for the Applicant :- M/s. B.K.Mohapatra, &
S.N. Sharma.

Advocate for the Respondents:- Mr. Ashok Mohanty &
Mr. Ashok Mishra
Senior Counsel for C.G.

O R D E R.

N. SAHU, MEMBER(ADMINISTRATIVE) : In this Original Application the
applicant prayed for a direction to the Station Engineer,

Door Darshan Maintenance Centre, Jeypore, for making payment of the amount under the bills which have been submitted to him in the year 1993 representing the repairs of the office vehicle OSK 880 (Jeep). The Station Engineer by his letter No.18(1)/95-C/DDMC/JPR/679 dated 29.9.1995 refused to make the payment. While the applicant was posted at Koraput he was instructed by the Station Engineer, respondent No.2 for repairing the vehicle OSK 880 under his personal supervision. Under the instructions of the Station Engineer, the applicant drove the vehicle to a garage at Bhubaneswar for repairing in the month of October, 1993. The garage owner charged Rs.47,000/- and as made out in the application, "the applicant was advised by respondent No.2 to make payment through local arrangement with assurance to pay him after availability of funds". It is averred that on the submission of the bills, respondent No.2 sanctioned the same after due verification; but before sending the bills to Calcutta Accounts Office for release of the draft, the earlier sanction was cancelled and meanwhile the applicant was transferred from Koraput to Cuttack. The bills were neither paid nor reasons were given for refusing the payment. The applicant addressed a representation to respondent No.2 on 12.1.1995. When there was no response, an advocate's notice was sent. ~~Annexure-1~~ To this advocate's notice, Annexure-2 dated 29.9.1995 was sent by way of reply.

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The main ground was that the driver of the vehicle Shri Maheswar Padaria did not say whether the repairs were conducted from 15.11.1993 to 22.11.1993. Even after the alleged repairs, servicing was done at Jeypore after 22.11.1993 to make the vehicle road-worthy. Respondent No.2 denied that the applicant had ever taken permission to pay such a huge amount in cash by local arrangement and he denied that any assurance was given to him authorising such a payment. It is further averred that the applicant had no financial powers to make such a payment. Credit bills could have been preferred for being paid by the office after necessary verification. It is also mentioned that as per rules, the defective parts removed from the vehicle were to be deposited with the office for verification and auction. This was also not done. As per the rules, driver was to certify on the bills if any purchase of spare parts was made for use in the vehicle, but there was no such certificate on the bills and the driver stated that he was not aware that any servicing was done.

2. In the counter affidavit, it is admitted that the applicant was instructed by the Station Engineer to take the vehicle to Bhubaneswar to get the repairs done. Respondent No.2 did not authorise the applicant to make payment to the garage owner and the automobile spare parts shops of such a huge

amount. It is argued by Shri Mohanty, learned Senior Counsel for the respondents that the applicant did not submit the bills in accordance with the requirements of the rules. " Since the purchase of the materials was found to be doubtful in absence of any corroborative certificate by the concerned driver, respondent No.2 has cancelled the bills". It was informed that "the then S.E. asked Shri R.C.Hota to explain verbally why and how he paid such a huge amount for servicing the vehicle from his own pocket without taking permission from the Head Office". The applicant having worked in Government for more than 10 years and remained as DDO for 8 months, should know that a bill can be held back if discrepancies are noticed.

3. I have carefully considered the rival submissions of the learned counsels for the parties. The fact remains that during his tenure as Assistant Engineer, L.P.T.V.Koraput from 1991 to 1994 under the administrative control of the Station Engineer, Door Darshan Maintenance Centre, Jeypore, the applicant took the vehicle for repairs and he was authorised to do so. ^{claims to have} He / incurred an expenditure of Rs.47,000/- for which he submitted the bills. This was initially approved, but later on cancelled. It is mentioned on the bills " no purchase done", and the earlier sanction was cancelled as the Station Engineer doubted the genuineness of the claim. He doubted whether any servicing was ever done. Wherever claims of parts were there, it is recorded that

no parts were "fitted". In sum, therefore, the genuineness of the claims was doubted.

4. After considering the arguments of Shri B.K.Mohapatra, learned counsel for the applicant and Shri Ashok Mohanty, learned counsel for the respondents, I find that permission for taking the vehicle to Bhubaneswar was sought for and given. The vehicle was driven to Bhubaneswar for repairs. The total amount of 9 bills aggregated to Rs.44,287/-. These bills were presented as early as in November and December, 1993. It was initially sanctioned but later on cancelled. If the respondents had ever doubted the claim, they should have enquired into the genuineness of the same and referred the matter to their Vigilance Wing or should have conducted an independent inquiry. This was not done at all. There was no justification to withhold a claim particularly when the claim is supported by proper bills. Once the applicant was authorised to take the vehicle and the repairs were undertaken, there is no justification to withhold the payment of the same for such a long time without proper justification. A certificate of the driver even if it is needed by the rules, is not so important as would invalidate an otherwise genuine claim without it. It is only a formality. There is no justification to give a preference to a driver's statement to that of the applicant who is a Gazetted officer. If the bills are doubted to be not genuine, the correct course would have been to conduct an inquiry about the genuineness of the claim and if the claim is ultimately found to be inflated or bogus or

fraudulent, the respondents should have proceeded against the applicant either by a disciplinary proceeding or by filing a complaint before the police for making a fabricated claim or both. The respondents had not considered any such action and just sat over the claim. They have simply withheld the claim and kept quiet. This is improper. If the applicant's claim was really correct and genuine, it amounted to a great hardship since the applicant was not reimbursed the claim.

5. I, therefore, direct the respondent No.1 the Director General, Door Darshan, Mandi House, New Delhi on receipt of a proper reference giving full background facts by respondent No.2 the Station Engineer, DDMC, Jeypore, to appoint a suitable officer to enquire into the entire claim with full liberty to have all vouchers examined with reference to the Workshop books and the Books of the suppliers. The said Inquiry Officer shall furnish a report to respondent No.1 within a period of twelve weeks from the date of receipt of a copy of this order. If the Inquiry Officer is satisfied about the genuineness of the claim, then payment should be made within four weeks thereafter to the applicant with interest at 10% p.a. for the delay. If the Inquiry Officer comes to a conclusion on proper material, that the claim is either false or fabricated or inflated, then respondent No.1 shall consider placing the matter for a detailed investigation to any in-house Investigating Agency or take such other action as deemed proper and necessary including departmental action or vigilance action.

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The Original Application is disposed of with the
above directions. No costs.]

Harasimhasaharan,
(N. SAHU) 8. x. 96
MEMBER (ADMINISTRATIVE).

Jena 8.10.96.