

7

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A.No. 99/97

Date of Order : 03.02.1998

Bajrang Singh s/o Shri Umed Ram r/o Plot No.426, 1st D Road, Sardarpura, Jodhpur (Presently working as Surveyor Assistant Grade-I in the Office of Chief Engineer, Jaipur Zone, Bani Park, Power House Road, Jaipur (Rajasthan)

...APPLICANT

VERSUS

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. ACDA (Southern Command), Khatipura Road, Jaipur.
3. Garrison Engineer (P) No. 1, Multan Lines, Jodhpur.

... RESPONDENTS.

PRESENT :

Mr. S.K. Malik, Counsel for the Applicant.
Mr. B.S. Rathore, Counsel for the respondents.

C O R A M

HON'BLE MR. A.K. MISRA, JUDICIAL MEMBER
HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER.

O R D E R

(PER HON'BLE MR. A.K. MISRA, JUDL. MEMBER)

The applicant has filed this Original Application with the prayer that the order of the respondent authorities dated 2.11.95 (Annex.A/1) be declared illegal and be quashed and the respondents be directed to refund the amount to the applicant alongwith the interest which they have recovered from the applicant and the respondents be further directed to clear the outstanding T.A. bills of the applicant with interest.

2. Notice of the O.A. was issued to the respondents. They have filed their reply with the submission that 2 T.A. bills of the applicant relating to 2 journeys to and fro Jaipur have been cleared and the payment has been made to the applicant. In respect of applicant's journey to Lucknow and Pune, the move sanction has been sought and as soon as move sanction is received T.A. bills will be

nn

cleared as per rules.

3. We have heard the learned counsel for the parties and gone through the records.

4. From the record it appears that between 15 July, '93 and 18 October, '93 on different dates the applicant was sent on temporary duties to Jaipur, Lucknow, Pune and Jaipur respectively. The applicant after withdrawing permanent advance on each occasion, performed the journey on duty and submitted his T.A. bills to the concerned authorities soon after he returned to headquarter. But in absence of move sanction from the higher authorities, T.A. bills of the applicant were not passed and the advance money was recovered from the applicant alongwith 14% interest. Thereafter, move sanction regarding 2 journeys to and fro Jaipur was received and T.A. bills of Rs.796/- and 862/- respectively were sanctioned and the amount was paid to the applicant. But remaining 2 T.A. bills are still outstanding. Papers relating to move sanction were not sent to the authorities due to administrative lapses as admitted by the respondents.

5. All the above facts are admitted and no serious debate on this point is necessary. The only serious contention between the parties is relating to recovery of advance money alongwith the interest. Once the respondents admit that the journeys performed by the applicant were in exigency of official work assigned to him then the securing move sanction of the higher authorities was the look out of the administrative authorities. The applicant had withdrawn the advance T.A. as per rules for performing the journey on official duties and soon after completion of the said journey he had submitted the T.A. bills. Therefore, the concerned authorities should have settled the account of T.A. claim of the applicant soon thereafter. If due to administrative lapses the move sanction could not be cleared in time, then the applicant cannot be found at fault and the advance granted to him cannot be recovered from him with interest. There is no such allegation that the applicant had not performed the journey after taking the advance, therefore, this cannot be said that the applicant retained the Government money unauthorisedly and did not utilised the same for the purpose for which it was taken as advance. Therefore, the recovery of interest amounting to Rs.1703/- in our opinion was absolutely illegal and the applicant is entitled to get refund of the same from the respondents alongwith interest @ 10% per annum.


6. Two T.A. bills relating to the journey to Jaipur are said to have

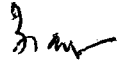
20/11

been settled but the applicant contends that transportation charges and coolie charges have been disallowed while passing the T.A. bills which is against the rules but this matter relates to the factual aspect, we would not like to discuss the same and give our finding on the same. Moreover, once the T.A. claim is settled and paid no subsequent claim relating to the same is entertainable, therefore, the arguments on this count deserve to be rejected. As the respondents have admitted in the reply that the T.A. claims of the applicant relating to his journey to and fro Pune and Lucknow respectively are in process of finalisation, therefore, we hope the claim of the applicant would be settled at an early date. To safeguard the interest of the applicant, directions regarding time limit are necessary to be given. The O.A. deserves to be accepted partly.

7. Therefore, this O.A. is partly accepted and it is ordered that interest amounting to Rs.1703/- recovered from the applicant as penal interest in respect of the T.A. advances should be refunded to the applicant within a period of 2 months from the date of communication of this order alongwith the simple interest @ 10% per annum from the date of recovery till the date of payment. The T.A. claim relating to applicant's journey from Jodhpur to Pune and Jodhpur to Lucknow is directed to be settled as per rules within a period of 2 months from the communication of the order alongwith the simple interest @ 10% per annum from the date of recovery till the date of payment.

8. Applicant's claim regarding 2 journeys from Jodhpur to Jaipur over and above the claim which the respondents have already passed and paid, is disallowed. Parties are left to bear their own costs.


(GOPAL SINGH)
ADM. MEMBER


(A.K. MISRA)
JUDL. MEMBER

Rec
~~Am~~ Adv
06/21/98

copy received
~~Bundy~~
(Summer Day)
Adv
for B.S. Reethel
10-2-98

Part II and III destroyed
in my presence on 25-3-2004
under the supervision of
section officer as per
order dated 22/12/2003
Section officer (Record)