

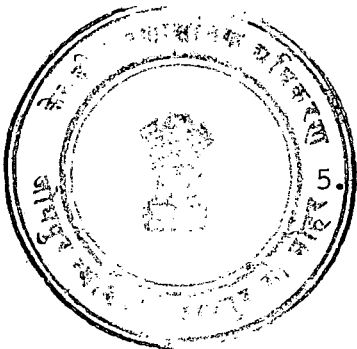
16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH : JODHPUR

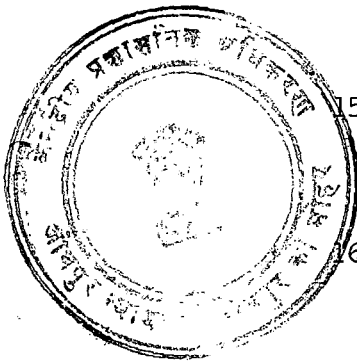
Date of order : 24.07.2001

O.A. No. 177/98

1. Shri V.K. Bohra son of late Dr. Y.D. Bohra, Engineering Assistant, aged 46 years, All India Radio, Jodhpur, R/o. 468, Pal Link Road, Jodhpur.
2. Shri P.R. Chungal son of Shri Girdhari Ram, Senior Engineering Assistant, aged 48 years, All India Radio, Jodhpur, r/o. Ratanada, Jodhpur.
3. Shri S.C. Pal son of Shri Kali Prasad Pal, Senior Engineering Assistant, aged 57 years, All India Radio, Jodhpur, r/o. Ratanada, Jodhpur.
4. Shri Rajendra Garg, son of Shri Gautam Mal, Engineering Assistant, aged 29 years, Low Power Television Centre , Sirohi, r/o. Rai-Ka-Bagh, Jodhpur.
5. Shri S.S. Panwar, son of Shri Bhoor Singh, Senior Engineering Assistant, aged 47 years, All India Radio, Jodhpur, r/o. C-25, Panchwati Colony, Jodhpur.
6. Shri Anil Kumar Singh son of Shri Ram Bahadur Singh, Engineering Assistant, aged 28 years, All India Radio, Jodhpur, r/o. High Court Colony, Jodhpur.
7. Shri Sanjay Kewalia, son of Shri S.C. Kewalia, Senior Engineering Assistant, aged 37 years, All India Radio, Jodhpur, r/o. Kolari, Nawchokian, Jodhpur.
8. Shri Kuldeep Kachhawaha, son of Shri N.S. Kachhawaha, Technician, aged 20 years, All India Radio, Jodhpur, r/o. Nagori Bera, Jodhpur.
9. Shri H.C. Jangid son of Shri Narsingh, Senior Engineering Assistant, aged 53 years, All India Radio, Barmer, r/o. Bhagat Ki Kothi, Ghanchi Colony, Jodhpur.



10. Shri J.L. Rawal son of Shri B.R. Rawal, Assistant Engineer, aged 47 years, All India Radio, Jodhpur, r/o. Mahamandir, Jodhpur.
11. Shri G.L. Saxena, son of Shri P.L. Saxena, Senior Engineering Assistant, aged 53 years, All India Radio, Jodhpur, r/o. Chopsani Housing Board Colony, Jodhpur.
12. Shri R.K. Sharma, son of Shri A.K. Sharma, Assistant Engineer, aged 39 years, All India Radio, Jodhpur, r/o. 2nd 'C' Road, Sardarpura, Jodhpur.
13. Shri Rajeev Panwar, son of Shri J.R. Panwar, Senior Engineering Assistant, aged 38 years, All India Radio, Jodhpur, r/o. Kaga Ki Dandi, Mahamandir, Jodhpur.
14. Shri Mandal Bora son of Shri K.N. Bora, Engineering Assistant aged 35 years, All India Radio, Jodhpur, r/o. Opposite Chand Baori, Jodhpur.
15. Shri Aaskaran son of Shri Durga Ram, aged 50 years, Engineering Assistant, All India Radio, Jodhpur, r/o. Golf Course, Jodhpur.
16. Shri V.K. Mehta son of Shri K.S. Mehta, Senior Technician, All India Radio, Jodhpur, aged 35 years, r/o. Moti Chowk, Jodhpur.
17. Shri N.K. Yadav, son of Shri Chaman Lal, Assistant Engineer, All India Radio, Jodhpur, aged 40 years, resident of Masooria Colony Jodhpur.
18. Shri Alok Jain son of Prof. D.K. Jain, Senior Engineering Assistant, All India Radio, Jodhpur, aged 35 years, resident of 117, Nehru Park, Jodhpur.



... Applicant

v e r s u s

1. Union of India through the Secretary to the Ministry Information and Broadcasting, Shastri Bhawan, 'A' Wing, New Delhi
2. Director General, All India Radio Directorate, Akashwani Bhawan

Parliament Street, New Delhi - 110 001.

3. Director General, Prasar Bharti Broadcasting Corporation of India, Akashwani Bhawan, Parliament Street, New Delhi - 110 001.
  4. Station Director, All India Radio, Pota 'C' Road, Jodhpur - 6.
- ... Respondents.

Mr. S.N Bohra, Counsel for the applicants.  
Mr. Ravi Bhansali, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman.

By the Court:

This application is filed challenging the impugned orders vide Annexure A/1 dated 30.06.98 and Annexure A/2 dated 25.05.98, on the basis of which transport charges were to be collected from the applicants for availing of the transport facility from the residence to the place of working.

2. The applicants contended that no doubt, they availed of the transport facility for picking them up from the residence to the place of duty, but such collection of transport charges is illegal and contrary to the guidelines laid down in AIR Manual- Volume I, 2nd revised edition (the Manual, for short). They contended that such transport facility provided during the odd hours, has to be free. But for providing such transport facility, on the basis of impugned orders the respondent No. 4 is recovering certain charges by way of deduction from their salaries, and such deduction is whimsical and it is like 'Gorilla War fare'. Therefore, the impugned orders are liable to be quashed and the respondents are liable to be directed to refund the said transport charges regarding the persons it is collected.

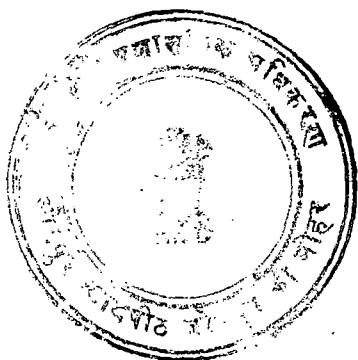


*[Handwritten signature]*

3. The learned counsel appearing for the applicants by referring to the pleadings in the application, contended that the applicants have to discharge the duty at High Power Transmitter (HPT, for short) at 18 KMs away from the office of the respondent No. 4, and such HPT stations are beyond Municipal limits of 8 KMs, proper public transport is not available during even day time and availing of public transport during odd hours is not possible. Therefore, it is the duty of the employer to pick up the applicants from the residence and take them to HPT stations at free of charge. Learned counsel also contended that the applicants are posted at HPT stations on the basis of the shifts, and during odd hours, it is not possible for them to go to the place of working from their residence and the respondent No.4 has been providing transport facility. But he proposes to collect the transport charges illegally. Number of applicants are holding the posts of Technician, Senior Technician, Engineering Assistant, Senior Engineering Assistant and Assistant Engineer etc., and they are discharging essential services even during odd time, like calamities, rain, flood, thunder, hail or sand-storms, or during curfew and bandhs etc., and keep the HPT in working order to relay live programmes, including the programmes pertaining to Parliament/Budget sessions, matches regarding Cricket, Tennis, World Cup Football etc. The applicants are permitted to avail of the facility of departmental vehicles only on charges, and such charges are being revised from time to time. The transport fare shown in 1988 circular has been revised in 1993, but there was a protest against such revision and as such, the notification issued in the year 1993 was not implemented immediately on the representations made by the labour Unions and by the persons affected. Finally, vide notification dated 29.5.97, by modifying the rates proposed in the year 1993, revised rates were provided with retrospective effect from 2.12.93. The revised rates



are provided vide impugned order at Annexure A/2, and the recoveries are being effected for the proposed charges with effect from July, 1998 onwards, as per Annexure A/1. Annexure A/1 is based on Annexure A/2. Both the orders Annexure A/1 and Annexure A/2 are illegal. The learned counsel for the applicant contended that the transport facility should be free since similar facility is provided under Para 9.1.51 for the family members of the permanent staff working with HPTs. Learned counsel for the applicant further contended that some of the Low Power Stations (LPTs, for short), under the jurisdiction of the respondent No.4, are far away, i.e. at the places, like Nagore, Sirohi, Barmer, Chouhatan and Mount Abu etc. He also contended that free transport facilities are provided to the staff artists and casual artists under Para 9.1.53 of the AIR Manual, and in addition to that the Sweeper, farash etc. used to get free transport facilities. Even the persons concerned with the construction and repairing of the building (under Civil Construction Wing), the Pump Operators, Helpers and Khalasis etc. used to get TA and DA and other allowances alongwith free transport facility, whenever they visit the site at HPT stations. Even the Rajasthan Police Guard posted to guard the HPTs or LPTs used to get TA and DA alongwith free transport facilities etc. Therefore, collecting the transport charges from the applicants is discriminatory and violative of Articles 14 and 16 of the Constitution of India. Even the staff of the Jaipur Doordarshan is facing the same difficulty of recovery. There are TV Transmitters at Chauhatan, 65 KMs from Barmer and AIR Transmitters at Jaisalmer, 22 KMs away from the studio and they did not get any daily allowance. They also contended that the staff employed at Jammu and Kashmir Radio Station have been getting better facilities than the applicants, like free food and transport facilities, besides their regular salaries. The applicants contended that not providing similar facilities to them would be discriminatory. In these circumstances, the applicants



*[Handwritten signature]*

submitted that the collection of transport charges from them is illegal and arbitrary. It is also contended that the applicants are not given Permanent Travelling Allowance (PTA, for short) or Travelling subsidy or Daily Milage Allowance, etc. Thus, collecting transport charges from the applicants is violative of Travelling Allowance Rules, and also contrary to any norms. Therefore, the impugned recoveries are liable to be set aside.

4. By filing reply, the respondents have denied the case of the applicants. Taking support from the pleadings in the reply, the counsel for the respondents contended that there are no merits in the application. The learned counsel for the respondents contended that on the basis of the nature of duties and location of the Transmitters, the shift duty staff members of the AIR were provided with the Government transport facility, subject to various provisions contained in the AIR Manual. As per the provision contained in Para 9.1.38 of AIR Manual, the staff members are provided free transport facility from Studio, City Office or from a central point of the City to the transmitting stations and back, but are not entitled to the transport facility from their residence to the transmitting stations and vice-versa. However, if any member of the staff opts to use the office vehicle to go and return from the place of ~~ex~~ duty from their respective residence, then the case is covered under Para 9.1.52 of the Manual, and such transport facility they can avail of, subject to payment of charges as prescribed from time to time by the Government. The learned counsel for the respondents further contended that such charges are being collected from the persons, who opted for the facility right from the time immemorial. The transport charges prescribed by the Ministry's Sanction letter dated 17.07.86 were modified vide Ministry of I&B's letter No. 27/6/93-B(P) dated 2.12.93 (Annexure R/4). But there was a protest against this revision, and as

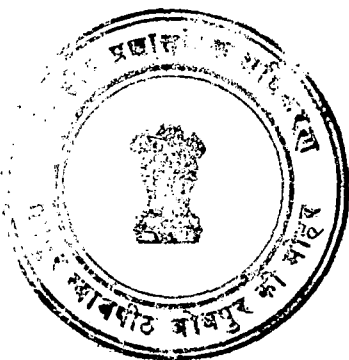


such, the matter was referred to the concerned department of the Ministry. Number of representations were also filed by different Organisations and Unions. However, from 1993 onwards, the transport facility was provided, but the collection of charges/<sup>was</sup> kept awaiting the final outcome of the revision of charges. Ultimately, vide Annexure R/1 dated 29.05.97, the revised rates have been provided with a direction to recover all the arrears with effect from 2.12.93 regarding the persons who had availed of such transport facility. On the basis of the said letter Annexure R/1, Annexure A/2 dated 10.06.97 was issued to all the AIR Stations and the concerned offices to implement the Ministry's letter dated 29.05.97 (Annexure R/1). It is on the basis of the clarifications vide Annexure R/3 dated 25.05.98, the recovery has been effected from the persons, who opted for such transport facility. He contended that having availed the transport facility, the applicants cannot deny the payment of charges as per the Manual and the circulars issued from time to time. He also contended that the ~~xxx~~ transport facility provided to the families of the employees residing adjacent to HPT stations is a welfare measure, and the same cannot be relied upon. He further contended that sometimes, for immediate repairs, if some of the employees were taken to the HPT Stations free of transport charges, the same also cannot be a basis for the applicants to contend that for going from residence to duty place, they should be given transport facility without any charges, and such argument is not sustainable under the law. It is also contended that the persons who used to come by their own vehicles, such charges were not collected from them, and these charges were collected only from those persons, who opted for such facility. Having opted for such facility, the denial of transport charges would be an unreasonable stand. He also stated that regarding some persons who attended some work of urgent nature beyond 8 KMs and who were not a regular staff pertaining to that particular station, they are provided TA and DA, as clarified vide Annexure A/9 dated 18.01.99.



*[Handwritten signature]*

The applicants are regular staff, discharging the duties at the Transmitting Stations on the basis of their shifts and when they go from AIR or from any specified point in the City to the Transmitting Stations, they are not charged, and the charges are collected only from those employees, who opted for such facility of the Government vehicle from the residence to the Transmitting stations. Therefore, the applicants cannot deny the payment of transport charges on any ground, having opted and availed of such facility. Thus, he contended that absolutely there are no merits in the application, and the application is liable to be dismissed. He also contended that if some of the facilities are provided to the employees working in AIR, Jammu and Kashmir, the applicants cannot claim the same. The fact also remains that it is a disturbed area, and the applicants cannot compare with the employees of that area. At any rate, now the eligible employees are also getting conveyance allowance as per the recommendations of Vth Pay Commission. In regard to these circumstances, the applicants cannot deny the payment of transport charges levied according to law as having opted for such facility from the department. Accordingly, he submitted that there is neither any illegality nor irregularity in issuing the impugned orders by the respondents. Therefore, the O.A. is liable to be dismissed.



5. Both from the pleadings as well as the arguments addressed at the Bar, we find that few facts are admitted. It is admitted that the applicants or any other employees are required to attend their duties at their own costs. It is also admitted that if an employee is taken from Radio Station to the place of working or from the central point of the City fixed, as per the convenience of the employee, to the place of working, in a Government vehicle, no payment is charged. The case of the department is that the charges are collected, as per the Manual amended from time to time, from such employees, who opted for

*[Handwritten signature]*



Government vehicle for taking them from residence to the place of working (in the instant case, to the Transmitting Stations) and back. For such journey from his residence to the place of working and back, a very nominal charges are prescribed. It is also not in dispute that the employees are directed to attend their duties at the Transmitting Stations on the basis of the shifts. It is also not in dispute that some of the employees opt for use of their own vehicles, like Scooter etc., for going to the place of duty from their residence, and some opted for Government vehicles, and these charges are collected only regarding those employees, who opted for Government vehicles. It is also admitted that from time immemorial, such transport facilities are provided on payment of charges, and according to the Ministry of I&B letter No. 10/5/79-A&G (I)/B(P) dated 17.7.86, the rates were revised as under:-

**"9.1.52. Transport charges:**

Transport charges at rates mentioned below should be recovered in all cases in which transport is provided to the regular staff from residence to the place of duty and/or back, subject to the condition that the recovery of charges its confined two trips only, namely for coming to and/or going back from the place of duty, as normally an employee is expected to come to his place of duty and go back from there at his own cost. For subsequent trip or trips no charges are to be recovered. Transport charges at half the prescribed rates should be charged from persons who make use of the official transport one way only and in case where transport is provided occasionally charges should be recovered @Rs. 1/- per return trip to 0.50 paise for a one way journey provided that the minimum charges to be recovered from persons using Government transport are not, in any case, less than 1/3rd of the monthly rate mentioned below:-

For persons residing at a place not exceeding 2 miles (or say 3.2 Kms) from place of duty : Rs. 15.00 PM

For persons residing at a place not exceeding 2 miles to 3 miles (or say 3.2-4.8 Kms) from place of duty : Rs. 19.00 PM

For persons residing at a place not exceeding 3 to 4 miles (or say 4.8-6.4 Kms) from place of duty : Rs. 23.50 PM

For persons residing at a place not exceeding 4 to 5 miles (or say 6.4-8 Kms) from place of duty : Rs. 28.00 PM



*Handwritten signature or initials.*

For persons residing beyond 5 miles (or say beyond 8 KMs)

: Rs. 28.00 PM  
Plus Re.1/- for every additional 1 Km or fraction thereof in excess of 5 miles (or say 8 Kms.) "

6. Vide I.D. Note No. 2176/Fin.I/93 dated 1.12.1993 (Annexure appended to Annexure R/4), the rates were further revised as under:-

"..... 2. For distances upto 3 KMs, Rs. 100/- per month in case of vans having pick up capacity of 10 persons and Rs. 250/- per month in case of a car having picking-up capacity of 4 persons should be recovered from each person. For every additional kilometre increase in the distance between residence and place of work, the rate per month should be Rs. 14.20 extra, taking into account to and fro journeys. The rates for journeys performed only one way should be half the rates indicated above.

New rates would come into force with immediate effect."

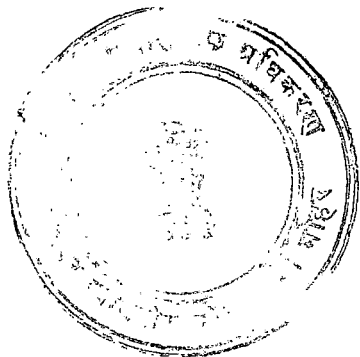
There was a protest against this notification from the different Unions in India. As a result, the matter was referred to the concerned Ministry. Meanwhile, the transport services were provided for opting employees, awaiting the revision of rates, and it is only by order dated 29.05.1997 (Annexure R/1), the revised rates were provided clearly stating that the revised rates shall come into effect with effect from 2nd December, 1993. The relevant part of the said letter is reproduced as under:-



" In partial modification to this Ministry's sanction letter No. 27/6/93-B(P), dated 2.12.1993 on the subject mentioned above, I am directed to convey the approval of the Government for revision of transport charges to be recovered from Regular Staff, including Essential Staff/Shift Duty Staff, of All India Radio using Government vehicle (as per para 9.1.52 of the AIR Manual, Vol. I - Part I & II) as mentioned below:

Two persons residing at a place not exceeding 3 KMs from place of duty	: Rs.45/- per month per person
For persons residing at a place between 3-6 KMs from place of duty	: Rs.65/- per month per person
For persons residing at a place between 6-8 KMs from place of duty	: Rs.85/- per month per person

*[Handwritten signature]*



For persons residing at a place beyond  
8 KMs from place of duty

: Rs.85/- plus Rs.  
3.00 for every  
additional 1 Km  
or fraction there-  
of in excess of 8  
KMs per person  
per month.

The new rates shall be effective from 2nd December, 1993. The outstanding amounts on account of transportation charges have to be recovered from 2nd December, 1993, and should be credited under the Head "0221"-Broadcasting (other receipts)."

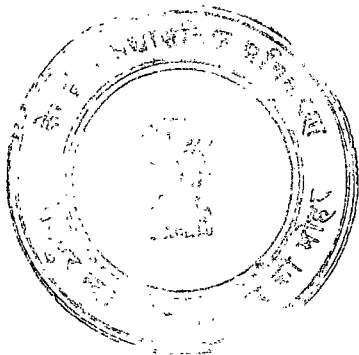
7. It is seen that vide impugned order Annexure R/1 dated 29.05.97, the proposed rates in 1993 notification were modified and reduced. It is only on the basis of the notification at Annexure R/1, the notification Annexure R/2 dated 10.06.97 was issued to all the All India Radio Stations, to effect the recovery at the revised rates from their staff members with effect from 2.12.93, and the compliance shall be reported to the Director General by 31.07.97. For implementing these orders vide Annexures R/1 and R/2, a further direction dated 25.05.98 has been issued, and that is the impugned order, stating that the arrears shall be recovered from the respective employees with effect from 2.12.93 as per Annexure A/2. This impugned order Annexure A/2 states that the rates prescribed now by notification dated 29.05.97 are very nominal and reasonable, and these rates were decided after considering all aspects, including the requests made by the staff. I think it appropriate to extract the relevant portion of the said notification, as under:-

"..... 2. After carefull examination of this matter in consultation with the Ministry of I&B, it is clarified that :-

- (i) The grounds for which the office transport is provided to the essential/shift duty staff from residence to place of duty and/or back at odd hours when public transport is not normally available have not been changed with the issue of instructions for grant of transport allowance contained in Ministry of Finance's order dated 3.10.97. Therefore, there is no relevance between the facility of transport on prescribed charges being provided to shift duty staff at odd hours and the instructions issued by Ministry of Finance dated 3.10.97.
- (ii) The transport charges circulated vide Ministry of I&B's

*[Handwritten signature]*

I  
25



letter dated 29.05.97 are already very nominal and reasonable. These were decided after considering all aspects, including the requests made by the staff. Therefore, the question of downward revision of these charges or non-recovery of arrears w.e.f. December, 1993, does not arise at all. It is to be ensured that these transport charges and arrears thereof w.e.f. December, 1993, are recovered at the rates circulated vide this Directorate's letter number 10/6/92-A&G dated 10.6.97.

3. All the Stations/Offices are again directed to effect recoveries of transport charges from all Officers/Staff members concerned w.e.f. 2.12.93, as per the revised rates contained in the Ministry of I&B's letter dated 29.05.97 enclosed with the Directorate's letter No. 10/6/92-A&G dated 10.6.97 referred to above."

8. The above revised rates vide Annexures R/1 and R/2 and impugned order at Annexure A/2, came up for consideration before the Central Administrative Tribunal, Hyderabad Bench, in O.A. No.751/98, which was decided on 9.10.98 (Annexure R/8). In that case also, the applicant sought for quashing of Annexure R/1 dated 29.05.97, alternatively directing the respondents to effect the revised rates with prospective effect from 24.06.98. The Hyderabad bench of the CAT upheld the Annexure R/1 dated 29.05.97 and also rejected the case of the applicant therein by directing recovery of revised rates of transport charges on the basis of Annexure R/1. The Hyderabad Bench further observed that the revised rates are given effect to with retrospective effect from 2.12.93, and the said order does not call for any interference. I think it appropriate to extract the relevant pragraph of the said judgement and order, as under:-

"6. The revision in the transport charges were made taking into consideration the fuel charges fluctuating during the period. I do not find any reason to interfere with the impugned order wherein the revised charges were effected. The respondents are eligible to recover the revised charges from an earlier date. The applicant has utilised the services and he cannot now turn back and say that there is no need to pay the difference in revised rates of transport charges.

7. It is for the respondents to give effect to the revised transport charges. They have given effect from 2.12.93. It is a policy matter. Moreover, there is no justification to ask the respondents to implement the revised transport charges from a prospective date, for prices of fuel were not stagnate between 1993 and 1997. It is not the case of the applicant that revised

*[Handwritten signature]*

transport charges could not have been implemented from 02.12.93.

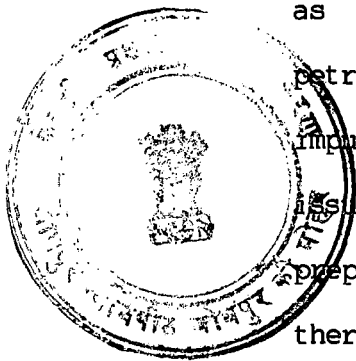
8. The respondents shall recover the revised rates of transport charges from the applicant from 2.12.93 to 31.08.96."

9. From the above judgement of Hyderabad Bench of the Central Administrative Tribunal, it is clear that Annexure R/1 dated 29.05.97 providing for revised rates with retrospective effect, with effect from 02.12.93 has been upheld. Therefore, challenging the validity of Annexure A/2, which is issued in pursuance of Annexures R/1 and R/2 cannot be interfered with by this Tribunal. I do not find any reason to differ with the judgement of Hyderabad Bench.

10. As I have already noted above, it is the duty of the every employee to report for duty under the concerned employer at the time specified and should work till the time prescribed. Neither the Central Government nor the State Government had undertaken any responsibility for picking up an employee from the residence under any notification. Therefore, it is the duty of every employee to start sufficiently early so as to reach the place of duty on the scheduled time. Suppose, one's residence is far off and if he starts one hour early, he cannot claim any other additional remuneration or any charges for his journey. However, the learned counsel appearing for the applicants submits that certain transport facilities are provided under 9.1.51 to the family of the staff having their colonies adjacent to the HPTs, is a clear indication that such facility of transport can be provided for other persons for going from cities to the HPTs. But this argument is liable to be rejected for the reason that the family of the staff residing by the side of HPTs to attend the duties, belong to a different class with a different circumstances. They would not be having the Schooling facility for their children at the place where they reside. Having regard to these circumstances, if they are provided with certain facilities as welfare measure, the



other persons going from the cities cannot claim the same. Even otherwise, Para 9.1.51 of the Manual does not apply to the facts of the case of the applicants. It is the Para 9.1.52 of the Manual, that applies to the facts of the case and it is that Para which prescribes certain rates for availing the Government transport facility. It is the rates mentioned in the said Para, that has been revised vide order Annexure R/1 and Annexure R/2, and on the basis of which Annexure A/2 has been issued. This para 9.1.52 of the Manual itself provides that "normally an employee is expected to come to his place of duty and go back from there at his own cost" and if he opts for Government transport facility, he has to pay the charges according to the rates prescribed in that paragraph. Therefore, the applicants or any other persons, who opt for such facility, they are bound to pay the charges as amended from time to time having regard to escalation in petrol/diesel prices. It is only on the basis of this paragraph, the impugned orders vide Annexures R/1 and R/2 and Annexure A/2 have been issued for recovery and on that basis, Annexure A/1 statement has been prepared, quantifying the amount in respect of the persons mentioned therein for availing the Government transport facility from the year 1993, and not from those employees, who did not opt for it. If that is so, the applicants having opted and used that facility are bound by Para 9.1.52 of the Manual and are liable to pay transport charges. Certain concessions were given to the staff artists and casual artists in Para 9.1.53 of the Manual. For them, transport facility is provided. These staff artists and casual artists, and even the Attenders, Safaiwalas or the persons who do the repair work, if they are required at HPT Stations or the places where the programme is recorded, were provided transport facilities having regard to the nature of the duties and the service conditions available to those employees. Therefore, these two classes are not comparable to the applicants. Thus, the applicants cannot rely upon the Para 9.1.52 of



RN

the Manual nor the principle of equality applies for claiming free Government transport facility from their residence to the place of duty either during normal hours or during odd hours. During odd hours, the Government provides transport facility, if the concerned employee opts for it, to facilitate him to go to the place of duty on certain payment of charges. The applicants are entitled to avail of that facility, but they are bound to pay the prescribed rates. Even from the revised rates prescribed under Annexure R/1 and Annexure R/2, communicated vide Annexures A/1 and A/2, I find that these rates are very very nominal rates. Therefore, I do not find any merit in this application. The applicants also cannot contend that some Attenders, Safaiwalas or Mistries are provided transport facility free of charges. They have not brought to my notice any order or notification, providing free transport facilities to the Attenders, Safaiwalas or Mistries, and even otherwise, their service conditions are not comparable to Assistant Engineer, Senior Engineering Assistant, Engineering Assistant, Senior Technician and Technician etc. In a particular case, suppose there was a break down of vehicle etc., some employees are paid T.A. & D.A. etc., but on that instance, there cannot be any generalisation that the applicants would also be entitled to T.A. and D.A. as well as free transport for going from residence to the place of duty. At any rate, vide Annexure R/9 dated 14.03.2000, the department has clarified that the staff performing duty at Receiving Centres or Transmitters, TA/DA is paid when the official is deputed on tour, and it is not admissible to the regular staff for performing duty at Receiving Centres or Transmitters as per their shifts. Therefore, the applicants are not entitled to any TA/DA for going from their residence to the Transmitter stations, since it is a routine duty according to the shifts prescribed by the concerned authority.



11. It is also brought to my notice that on the basis of the recommendation of Vth Pay Commission, conveyance allowance is provided to the employees with effect from August, 1997. Having regard to this latest development, the applicants should not have any complaint regarding the charges required to be paid for availing of the transport facility from their residence to the place of duty. The applicants having availed of the Government transport facility from their residence to the respective place of duty, in terms of Para 9.1.52 of the Manual, they are estopped from contending that they are not liable to pay the transport charges in terms of the said Para, since it is open to an employee to avail or not to avail of the facility of Government vehicle, and it is admitted that there are some employees who opted their own private vehicles, like Scooters, buses etc.



12. Viewed from many angles, I find that absolutely there are no merits in the application. Accordingly, I pass the order as under:-

"Application is dismissed. But in the circumstances,  
without costs."

  
(Justice B.S. Raikote)  
Vice Chairman

cvr.



Mc  
31-7-2007  
[Signature]

Part II and III destroyed  
in my presence on 16-5-07  
under the supervision of  
section officer [Signature] as per  
order dated 13-13-07  
[Signature]  
Section officer (Record)