

I/8

CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

ORIGINAL APPLICATION NO.: 256/2001

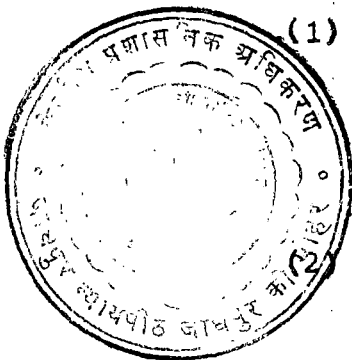
DATE OF ORDER 28.11.2002

D.K. Nanda S/o Late Shri S.N. Nanda, aged about 56 years,
R/o 11/39 Shanti Niketan Colony, Bedla Badgaon Link Road,
Udaipur (Rajasthan)

Presently working on the post of Research Associate in the
Office of Anthropological Survey of India, Western Regional
Centre No. 16, Madhuban, Udaipur (Rajasthan).

...APPLICANT.

V E R S U S



(1)

Union of India through the Secretary,
Government of India, Department of Culture,
Ministry of Tourism and Culture, Shastri Bhavan,
Dr. Rajendra Prasad Road, New Delhi.

The Director, Anthropological Survey of India,
27, Jawahar Lal Nehru Road, Kolkata - 700 016.

(3)

The Deputy Director and Head of Office,
Anthropological Survey of India, Western
Regional Centre, 16, Madhuban, Udaipur (Raj.).

...RESPONDENTS.

Mr. S.K. Malik, counsel for the applicant.

Mr. Kuldeep Mathur, Adv. brief holder for

Mr. Ravi Bhansali, counsel for the respondents.

CORAM:

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER

: O R D E R :

Per Mr. J.K. Kaushik, Judicial Member:

Shri D.K. Nanda has filed this Original Application

.. 2 ..

under Section 19 of the Administrative Tribunals Act, 1985, and has prayed for the following reliefs:-

- "(a) That by an appropriate writ, order or directions the respondents may be directed to settle and make payment of TA bills for the period from 28.10.1992 to 15.11.1992 and Contingent bill for period from 8.2.93 to 24.3.93 alongwith interest @ 18% p.a.
- (b) Exemplary cost may be imposed against the respondents for causing undue harassment to the applicant.
- (c) Any other relief/s which is found just and proper in the facts and circumstances of the case may be passed in favour of the applicant in the interest of justice by the Hon'ble Tribunal."

2. Skipping up all the super-fluities, the only controversy which remains for adjudication is regarding the settlement of TA claim of the applicant for the tour during the period from 28.10.1992 to 15.11.1992. The other claims have already been settled by the respondents and with which the applicant remains contended.

3. The brief facts necessary for resolving the remaining issue as culled from the pleadings are that while working as Research Associate in Western Regional Centre Udaipur (Raj.), the applicant was detailed for undertaking Genetical Structure of Indian Population Project Laboratory Training at Kolkata Laboratory from 28.10.1992 to 15.11.1992. The move was sanctioned and he was allowed to draw an advance to Rs 4,000/-. The applicant purchased Railway ticket in piecemeal from Udaipur to Delhi, Delhi to Udaipur and vice-versa and the total claim was for an amount of Rs 5035/-. As per version

from the respondents side the direct fare from Udaipur to Howrah and back by first class was Rs. 955 X 2 @ 1910 and taking into account the other admissible allowances/expenses, the total amount of the claim was Rs 4259/-. The amount of difference of 259 was reimbursed to the applicant. Whereas, as per the calculation of the claim by the applicant he was to be reimbursed with an amount of Rs 1035 and not an amount of Rs 259.

4. I have heard the learned counsel for the parties and have carefully perused the records of this case.

5. The learned counsel for the applicant has contended that there was direct train from Udaipur to Delhi and Delhi to Howrah for which he purchased separate tickets and has submitted the claim for the actual expenses incurred by him. He has further submitted that the applicant has travelled with a shortest route and has travelled in the class for which he was entitled to. There is no rule which envisaged that a direct ticket known as "through ticket" was required to be purchased. However, it is admitted by him that the difference in the claim as submitted by the applicant and acceptable to the respondent as due to the purchased of the ticket in piecemeal instead of through ticket.

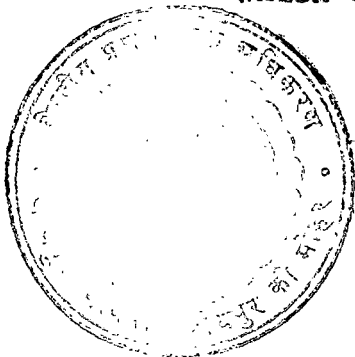
6. On the other hand, the learned counsel for the respondents has opposed the claim of the applicant and has submitted that as a general principle, the public exchequer should not be over-burdened with the un-warranted expenses and the applicant should have been diligent and careful while undertaking journey at Government expenses.

I/11

.. 4 ..

It is not the case of the applicant that at Delhi, he was required to have any halt in view of certain official work while passing through or coming through Delhi. It is also not the case of applicant that the through ticket from Udaipur to Howrah was not available at the starting or destination stations, respectively. However, the learned counsel for the respondents was at difficulty to point out any rule under which the through ticket was required to be purchased and for which the TA could be admissible.

7. SR 36 of the F R S R part-II Travelling Allowances envisages the provision regarding the entitlement of the mileage allowance in respect of journey by Rail. To appreciate the controversy involved in the present case, I feel it appropriate to extract the relevant provisions of S.R. 36, which reads as under:-



"S.R. 36. Except in the case of journeys on transfer (the rules about which are contained in Section XI), the mileage allowance admissible to a Government servant in respect of a journey by rail, is a single fare of the class of accommodation actually used but not exceeding the fare of the class to which he is entitled, plus an allowance for incidental expenses calculated as follows:-

NOTE 1. The forward and return journeys shall be treated separately, except when they fall on the same day; and

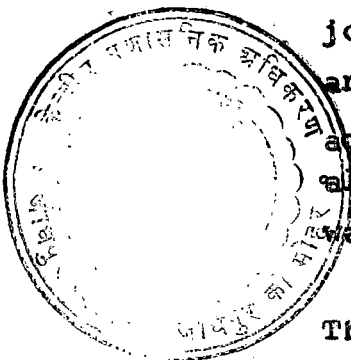
NOTE 2. The period covered by the rail journeys shall be reckoned with reference to the Scheduled Railway timings and may also include any period of halt at an intermediate station for catching

...5

the connecting train. Provided that---

- (a) When the train is diverted due to special circumstances like breach of track, the period/distance actually covered by the rail journey shall be taken into account for the purpose of calculating the allowance for incidental expenses;
- (b) Not printed.

If available, return tickets at reduced rates should always be purchased when an officer expects to perform the return journey by rail within the period for which a return ticket is available. The mileage allowance for the forward and return



journeys will be, wherever such return tickets are purchased or could have been purchased the actual cost of the return ticket plus the aforesaid allowance admissible for incidental expenses each way.*

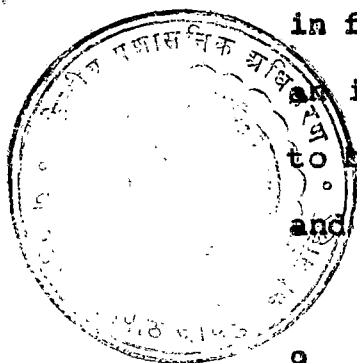
The perusal of the aforesaid provisions reveal that the journey is required to be carried out in a most economical way in as much as it has been provided that even in case of the return journeys the return tickets as reduced rate should always be purchased when an officer expects to perform the journey by Rail within the period for which a return ticket is available. The requirement of purchasing through ticket from ~~the~~ one station to another station on tour can hardly be over-emphasised since the advantage of the reduced rate can be obtained. I have come across the provision of calculation of the claim by shortest route in case of LTC from Swamy's Compilation of Central Civil Services Leave Travel Concession Rules, whereas the following has been provided:-

"VIII. CALCULATION OF CLAIM

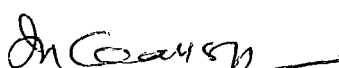
1. By shortest route.-----A Government servant or his family, may travel by any route or halt anywhere on the way but the Government's assistance shall be limited to the fare by the shortest route calculated on a through ticket basis. Where the shortest route is disrupted due to accidents or other causes, the power to grant reimbursement by the actual route travelled may be exercised by the Controlling Authority.---Rule 13 and Order No.24."

It also supports the plea of the respondents.

8. Before taking the leave of this application, I would like to enter a caveat. The caveat being that the authorities, who have taken about 10 long years in settling the claim of the applicant, should be cautious in future and such claims should not be lingered on for an indefinite period. The applicant also is expected to base his claim on the basis of some legal provisions and should not enter into litigation on frivolous matters.



9. In view of the aforesaid discussions, the Original application is meritless and the same is hereby dismissed with no order as to costs.


(J.K. KAUSHIK)
Judl. Member

...

Kumawat