

16

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

Original Application No. 308/2003

Date of Decision: 14.09.2004

CORAM

**HON'BLE MR.J.K. KAUSHIK, JUDICIAL MEMBER
HON'BLE MR. G.R. PATWARDHAN, ADM. MEMBER**

R.P. Meena IRTS Son of shri S.L. Meena, aged about 35 years,
AOM(T), Zonal Training Centre (Rlys) Udaipur.

.....Applicant.

[Mr. R.P. Meena, applicant present in person.]

Versus

1. Union of India, through the chairman, Ministry of Railways, Rail Bhawan, New Delhi.
2. The G.M. West Central Railway, Jabalpur.
3. Shri M.P. Singh (Ex-CTM) Now OSD (Planning) West Central Railway, Jabalpur.
4. Shri E.S. Marcus (ex-CPO), now CRSE; West Central Railway, Jabalpur.
5. Shri V.K. Bhargava, Ex-OSD, West Central Rly., Now A.M. (PU) Railway Board, New Delhi.
6. The C.P.O. West Central Railway, Jabalpur.
7. The General Manager, NW Rly., Jaipur.

.....Respondents

[Mr. K.K. Vyas, counsel for the respondents No. 1 to 6.]
[Mr. Manoj Bhandari, Counsel for the respondent No. 7.]

ORDER

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

Shri R.P. Meena has filed this Original Application under

Section 19 of the Administrative Tribunals Act, 1985 for seeking



a direction to the respondents to release the T.A. Bills and making the payment of the same alongwith interest. He has also inter alia prayed that the Railway Administration may be directed to take drastic action against the respondent No. 4 and 5 and also stricture may be passed against them since they were having bias against an officer of "reserved" community.

2. As far as the factual matrix of the case is concerned, the material facts as borne out from the pleadings of the parties of this case are that the applicant while working on the post of Assistant Transportation Manager at HQ. Office of West Central Railway, Jabalpur, was deputed to go on tour in the month of November, 2001. He was issued with two chargesheets for minor penalty under Rule 11 of the Railway Servants (Discipline and Appeal) Rules, 1968 and since both the chargesheets related to his tour he did not submit the TA claim till 05.04.2002 by which date both the chargesheets were dropped. Further case of the applicant is that he has been making numerous correspondences with the respondents regarding release of the TA Bills but no fruitful result could be achieved. It is only after the issuance of the notice of this Original Application, the respondents woke up and issued a letter on dated 13.02.2004 regarding his pending TA Bills. He also asked to submit the original TA Bills, which he has submitted on 21.02.2004 and subsequently he has been paid the T.A.



1/8
7/10

3. It has also been averred that the TA Bills were withheld by the respondent No. 4 at the instance of respondent No. 5 and the applicant has been harassed in multiple ways.

4. We have heard the applicant who appeared in person as well as Shri K.K. Vyas, who is representing the respondent Nos. 1 to 6 and Shri Manoj Bhandari who is representing the respondent No. 7. A separate reply has been filed on behalf of the respondent No. 3.

5. The applicant as well as the learned counsel for the respondents have reiterated their respective pleadings. The applicant has submitted that he has been gravely harassed and he has not been paid due T.A. in-time and the relief as prayed for by him should be granted. During the course of arguments he has submitted that now his TA bills has been cleared but he has not been paid the interest on the amount of TA Bill. He was specifically asked to show the law where the provision exists for payment the interest of the TA Bills. He expressed inability and submitted that since the money which was due to him was withheld by the respondents, the interest ought to have been paid. He has next submitted that TA Bills were furnished well in-time and the respondents have taken undue long time in as much as the respondents have taken action only after the issuance of the notice regarding the admission of this Original Application. He has also made us to traverse to certain documents indicating the allegations of the bias against the

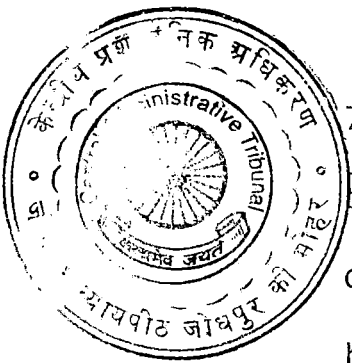


32

#/9
7/11

respondents No. 4 and 5. He has also referred to the reply, which has been filed by the respondents No. 3. We specifically asked the applicant how much amount is involved in the matter and the applicant has been fair enough to submit that only 1800/- was involved.

6. On the other hand, the learned counsel for the respondents No. 1 to 6 has submitted that the applicant himself is responsible for all episode in as much as he has completed the desired formalities regarding the TA Bills only on 21.02.2004. He has also submitted that it is a personal responsibility to complete the formalities and until and unless the very formalities are completed none of the respondents can be blamed in the matter. The learned counsel for the respondent No. 7 who has adopted the reply which is filed on behalf of the other respondents has also referred to certain part of the pleadings. In the reply he has submitted that there is no intention to harass the applicant.



7. We have considered the rival submissions put forth on behalf of all the contesting parties. The perusal of the letter dated 21.02.2004, which is originated by the very applicant himself, indicates that the complete formalities regarding the TA Bills has been completed only on 21.02.2004 and this letter does not make any reference as to regard to completion of all the formalities of TA claims at an early date. Even the word like harassment is ^{not} mentioned. This letter would have reflected his ^{mental} state but the same is not borne out from it. We have

7/10
7/12

also very carefully considered the allegation of the malafide which is alleged against the respondent Nos. 4 and 5. The applicant has tried to persuade us with the reply of the respondent No. 3 that the respondent No. 5 was directed respondent No. 4 to harass the applicant. We may point out here that it may be easy to allege mala fide against an individual but difficult to prove the same. Similar seems to be the position here. The applicant seems to pleading the anguish caused to him due to issuance of two chargesheets which came to be dropped subsequently. The material for arriving on the finding of mala fide is scanty especially regarding delay in making payment of TA Bills. We are unable to persuade ourselves as to whether there is any malafide practice by any of the respondents in this case.

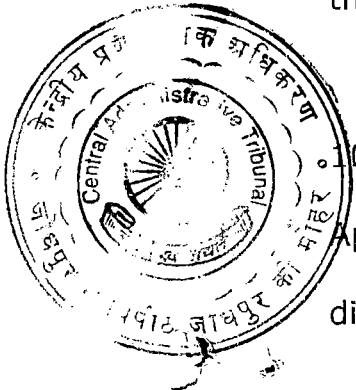


8. As regards the interest on the payment of the T.A. Bills, we have not been shown any law that any interest is to be paid on delayed TA Bills. We are also otherwise not satisfied, that there was any dereliction or delay which can be fastened to the respondents in regard to making of the payment of the TA Bills. Otherwise also the applicant ought to have been agitated his grievances at much earlier stage in as much as when the bill was submitted as early as 05.04.2002, there was no reason to await for such a long period ⁱⁿ and filing this Original Application. Thus, there is no reason to allow any interest on the amount of T.A.

Bills.

F/11/713

9. Before parting with the case, we find that for an amount of Rs. 1800/- so much correspondence and litigations have been made and the case has been filed indicating that he has got a very good case and certain financial implications, as rightly point out by the applicant himself that he has spent lot of money to come and go in attending this case in person. Similarly, for an amount of Rs. 1800/- probably more than Rs. 25,000/- might have been spent which gives an alarm to everyone that we should avoid taking recourse to such litigations in trifling matters. The contention of applicant that he was so much harassed on account of a small amount does not appeal to us for the reason especially when the applicant is a gazetted officer.



10. In the premises, we do not find any merit in this Original ^{became} Application which has otherwise ^{become} infructuous. The same stands dismissed accordingly. There shall be no order as to costs.


(G.R. Patwardhan)
Adm. Member


(J.K. Kaushik)
Judl. Member

Regd. D.D. Copy Order
Sent to Applicant Side
No 239 dt 23.9.04

Copy Order Sent AS per
D.D. record
JD

Copy Received by

Sushil
17/09/04

on behalf of
manoj Bhanderi Ad.

P (copy)
KKW AS
21/9/04

Part II and III destroyed
in my presence on 30/10/2013
under the supervision of
section officer () as per
order dated 18/10/2013

D.R. Gur
Section officer (Record) 30.10.2013