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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR.**

Original Application No. 99/2006
With
Misc. Application No. 86/2006

Date of order: 18.01.2007

**HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER
HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER**

M.L. Sharma S/o Shri Sampat Lal Sharma, aged about 50 years, R/o Qtr. No. 4/1, Special Bureau, G.O.I., Pal Road, Subhash Nagar. Presently working on the post of Field Officer in the office of Additional Commissioner, Special Bureau, Pal Road, Subhash Nagar, Jodhpur.

...Applicant.

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

VERSUS

1. The Secretary, (Cabinet Secretariat, G.O.I., Room No. 7, Bikaner House (Annexe) Shahjahan Road, New Delhi-11).
2. Joint Secretary (Pers.) (Cabinet Secretariat, G.O.I., Room No. 7, Bikaner House (Annexe) Shahjahan Road, New Delhi-11).
3. Additional Commissioner, G.O.I., Special Bureau, Pal Road, Subhash Nagar, Jodhpur.

.....Respondents.

Mr. Kuldeep Mathur, counsel for respondents.

ORDER

(By Mr. R.R. Bhandari, Administrative Member)

Shri M.L. Sharma, Field Officer in the office of Additional Commissioner, Special Bureau, Pal Road, Subhash Nagar, Jodhpur, in Original Application No. 99/2006 requested for the following reliefs:

"(i) Office Orders at Annexures A/1, A/2, A/3 and A/4, dated 12.01.2006, 04.06.2004, 20.10.2004, 24.01.2005 should be declared illegal and quashed.

(ii) The respondents may be directed to settle the T.T.A. claim for his and his family journey from Delhi to Jammu performed some time in 1999."

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2. Learned counsel for the applicant cited the rules for payment of T.T.A. - reproduced from S.R. 116 of Supplementary Rules, as under:-

" I-A-For journeys by air

(i) A Government servant traveling by air on transfer between places connected by rail and/or steamer, is entitled to draw-

(a) if he is authorized to travel by air on transfer, the air fares actually paid for himself and the members of his family; or if he is not so authorized, the air fares actually paid for himself and the members of his family, or the rail and/or steamer fares which would have been paid had he traveled by the appropriate class by rail and/or steamer, whichever is less; and

(b) Not printed.

(ii) A Government servant traveling by air on transfer between places connected by road only, is entitled to draw-

(a) if he is authorized to travel by air on transfer, the air fare actually paid for himself and members of his family, or if he is not so authorized, lower of the following two: -

(1) the air fares actually paid for himself and the members of his family; or

(2) a single road mileage allowance at the rate which would have been applicable to him had he performed the journey by road if he travels alone, at twice the above rate if he is accompanied by two members of his family, and at thrice the above rate if accompanied by more than two members of his family."

(emphasis provided)

3. Learned counsel for the applicant submitted that the T.A. claim is as per the calculations made at Annexure A/11. The learned counsel further submitted that the applicant incurred Rs. 9420 for the journey performed from Delhi to Leh for 3 air fares and also traveled by Indian Air Lines. This is less than his entitlement by Rail cum Road. Learned

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counsel for the applicant submitted that the applicant has been paid Rs. 3633 for this journey and the arrears is due to be paid to the applicant for Rs. 5787.

4. Learned counsel for the respondents has disputed the claim of the applicant and has reiterated the defence version of the respondents as set out in the reply. However, on questioning the entitlement, learned counsel for the respondents submitted that the same is to be regulated as per the provision envisaged in SR 116 of Supplementary Rules. He has further laid stress on the objection of limitation and submitted that the claim of the applicant cannot be sustained since the very Original Application is highly belated.

5. We have considered the rival submissions put forth on behalf of both the parties. In the first instance, we find that the Misc. Application No. 86/2006 has been filed for seeking condonation of delay in filing of the Original Application. The same remains unreplied. It has been averred that the matter has remained under consideration with the respondent-department. The same was re-examined vide memo dated 24.01.2005 and finally order dated 12.01.2006 (Annexure A/1 of the OA) came to be passed. Firstly, we are of the considered opinion that the Original Application is within the law of limitation. However, we are also inclined to use of our discretion to condone the delay since we are satisfied that there are good and sufficient reasons for condoning the delay. The delay in filing of the Original Application, if any, is hereby condoned and the Misc. Application No. 86/2006 stands accepted accordingly.


6. Since the applicant himself has agreed that he is not authorized for traveling by Air, his entitlement is lower of that two - (i) the air

fares actually paid for himself and the members of his family; or (ii) road mileage allowance as per (ii)(a)(2) of S.R. 116 of Supplementary Rules. There is a weightage in the claim of the applicant. Admittedly, an amount of Rs. 9420 has been spent by the applicant for journey performed from Delhi to Leh for 3 air fares and also traveled by Indian Air Lines. The same is less than his entitlement by Rail cum Road. Applying the aforesaid rule, the applicant would be entitled to the actual air fare paid by him i.e. Rs. 9420.

7. As brought out, the claim is for Rs. 9420 whereas actual payment has been made for Rs. 3633 - we allow the Original Application and order the respondents to pay the difference of Rs. 5787 to the applicant within a period of three months from today.


8. However, there shall be no order as to costs.


(R R BHANDARI)
ADMINISTRATIVE MEMBER


(J K KAUSHIK)
JUDICIAL MEMBER

Kumawat

Rec Copy of order
dt 18/1/07


(S.K. Mahale)
Adv.

RIC
Faslikar
01/2/07
For K. Mahale
Adv.

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क.प्र.म. (प्रक्रिया) नियमावली के नियम 22 के अन्तर्गत निः शुल्क प्रवि

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.**

COPY OF ORDER DATED: 18-06-2007 PASSED IN MA_/2007 (D.No.162/18-04-07)

18-6-07 OA No.99/2006

The Sec. And Ors. Vs. M.L.Sharma

Date of Order: 18-06-2007

None present for the applicants.

As per the orders of the Court dated 18-05-2007, four weeks time had been given to remove the defects. The Court has further ordered that if the defects ^{are} have not been removed within the said period, the registration of the M.A. shall be declined without further reference to the Court. As such, the M.A need not be registered and the Registry is ordered to consign the records of this M.A.

**[V.SOMAN]
DEPUTY REGISTER**



**COMPARED &
CHECKED**

CERTIFIED TRUE COPY

Dated 20.6.2007

[Signature]

अनुसूचित अधिकारी (न्याय.)
Section Officer (Judl.)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर न्यायपीठ, जोधपुर
Jodhpur Bench, Jodhpur.