

In the Central Administrative Tribunal
Calcutta Bench

OA No.1029 of 1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Lakshmi Kanta Das

.... Applicant

- Vs -

- 1) Union of India, represented by General Manager, S.E. Railway, Garden Reach, Calcutta.
- 2) Financial Advisor and Chief Accounts Officer, S.E. Railway, Garden Reach, Calcutta.
- 3) Chief Cashier(JA), S.E. Railway, Gargen Reach, Calcutta.

.... Respondents

For the Applicant : Mr. S.P. Bhattacharya, Lt. Advocate

For the Respondents: Mr. P.C. Saha, Lt. Advocate.

Heard on : 22.7.1998

Date of Judgement : 22.7.1998

ORDER

The grievance of the applicant in this application is that he was allotted railway quarters at South Colony, Garden Reach, Calcutta under South-Eastern Railway and he retired from the service on 31.12.95 as Senior Cashier from the Office of the Chief Cashier(GR), South-Eastern Railway. According to the applicant, he transported his personal effects from the said Railway quarters to his permanent residence at Raja Bagan Lane, Ghughu Danga, Dum Dum Junction Railway Station. According to the applicant, he carried his personal effects to his permanent residence and so he is entitled to get transportation allowance on his retirement for the purpose of transportation of personal effects from the railway quarters to his permanent residence as stated above. But, the respondents did not grant transportation allowance as admissible to him. It is also alleged by the applicant that

respondents illegally and arbitrarily deducted Rs.723/- from his retirement benefits and ultimately that has been refunded to the applicant on 24.11.97. Thereby, the applicant is entitled to get interest as it was allegedly recovered by the respondents from his retirement benefits.

2. Respondents resisted the allegation of the applicant denying the claim of the applicant and stating, inter-alia, that the applicant is not entitled to get any transportation allowance for carrying of his personal effects until he produces the receipt in support of carrying his personal effects from the railway quarters to his permanent residence. It is also stated by the respondents that Rs.723/- has been erroneously recovered excess from the regular salary bill drawn in favour of the applicant and that has been refunded ^{when} ~~since~~ mistake was noticed by the respondents. Accordingly to the respondents, that amount has been refunded on 24.11.97 by a cheque. ~~According~~ ^{Because} ~~to the respondents~~, the applicant did not come to receive the amount and thereby, that amount has been sent by cheque. So, question of payment of interest does not arise. At the time of argument Id. Advocate Mr. Saha for the respondents very fairly submits that the respondents are not denying the admissibility of transportation allowance for the purpose of carrying his personal effects from the railway quarters to his permanent residence, the distance of which is 25 kms. and respondents are ready to make the payment on condition that applicant should produce the receipt in support of transportation cost before the authority for disbursement of the said payment. Mr. Saha submits that excess of recovery of Rs.723/- has been paid by cheque. Thereby, question of payment of interest also does not arise. So, the applicant should be asked to produce the receipt of the transportation cost ~~made by~~ the applicant before the authority.

3. Id. Advocate Mr. Bhattacharya for the applicant submits that he did not get any instruction from the client whether receipt in support of transportation cost was available with the client or not

and he further submits that the applicant retired on 31.12.95 and Rs.723/- has been paid on 24.11.97. So, there is delay in payment of the amount of Rs.723/-. Admittedly, it was erroneously recovered by the respondents for no fault of the applicant from his salary.

4. In view of the divergent submissions of both the parties, I find that the applicant is under obligation to produce the receipt in support of the cost of transportation done by him for the purpose of transportation from the railway quarters to his permanent residence and he would be entitled to get the said cost of transportation for the aforesaid purpose on production of the receipt in support of the transportation charge. I find that no receipt is required for the purpose of ^{payment of} package allowance or personal effects on transfer under rules. So, applicant is entitled to get package allowance as per rate admissible to him without submitting any receipt in support thereof; but he requires to produce the receipt to get payment of transportation cost. So, package allowance of personal effects should be paid to him without any receipt in support thereof and regarding interest on Rs.723/- it is noticed that the applicant is not responsible for recovery of the said amount from his salary. It is a department who is responsible to make recovery from his salary erroneously and applicant ~~subsequently~~ suffered loss of interest on that amount for that period. Thereby, applicant would be entitled to get interest at the rate of Rs.10% on that amount ^{Rs.723/-} from the date of recovery till the payment was made to the applicant by cheque on 24.11.97.

The transportation cost of personal effects should be made to the applicant on production of the receipt. If the receipt is not available, the applicant, in support of the cost spent by him for the said purpose, should file affidavit and should submit the same to the respondent authority for payment. Applicant is directed to file affidavit if receipt is not available with him within one month from the date of communication of this order and payment should be made within one month from the date of receipt of the affidavit or voucher by the respondents. With this observation, the case is disposed of awarding no cost.

1/12/98
(D. Purkayastha)
Member(J)