

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 452 1991

T. A. No. DATE OF DECISION 12.2.1992

K. Raghavan & 9 others Applicant (s)

Mr. M. Ramachandran Advocate for the Applicant (s)

Versus
Union of India represented by
Secretary, Deptt. of Posts, Respondent (s)
New Delhi and others

Mr. Mathews J. Nedumpara, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The grievance of the applicants in this application is that the respondents are refusing to pay them Daily Allowance during the period of their training for appointment to higher post.

2. The applicants 1, 3, 5, 6, 8, 9 and 10 were postmen before promoted as Postal Assistants. The second applicant was a Departmental Stamp Vendor and the 4th applicant was an orderly to the sub divisional Inspector. The 7th applicant was functioning as L.R.D. before being promoted as Postal Assistants. They were selected for promotion to the post of Postal Assistant being successful in the competitive examination held on various years. The applicants were

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directed to join a theoretical training for a period of two months and three weeks at Postal Training Centre, Mysore. All the applicants had undergone training for the stipulated period. On completion of the training, the applicants submitted TA and DA bills. But they were paid only the fare for the to and fro journey. Hence, they have filed this application for a declaration that the applicants are entitled for daily allowance during the training.

3. The respondents in the counter affidavit stated that payment of TA & DA to P & T employees undergoing training is governed by the orders issued by the Director General, P & T from time to time. As per the latest order of the Director General, Posts No. 17/16/80-PAP dated 17.8.87 and clarification issued vide letter No. 17/16/80-PAP dated 8.3.89, during the course of the training, the trainees will have to reside at the Postal Training Centre where residential accommodation is provided and they need only to pay the mess charges at the rates prescribed by the Postal Training Centre from time to time. Since they are provided with food and accommodation, they are not entitled to any Daily Allowance. The respondents have also submitted that the applicants have not exhausted the alternative remedies available to them and they could have preferred an appeal to the second respondent.

4. We have heard the arguments of the learned counsel on both sides and have carefully gone through the records. The learned counsel for the applicant submitted that similar

issue had been raised in O.A. 315/89 and other similar cases and the judgment in those cases can be followed in this case also. The learned counsel for the respondents was unable to distinguish the facts of this case with that of O.A. 315/89 and other similar cases.

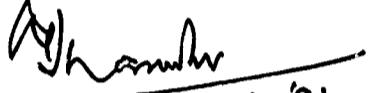
5. We have perused the judgment in O.A. 315/89 and other similar cases. We are of the view that the issue raised in the instant case is covered by the judgment in O.A. 315/89. The operative portion in that judgment is quoted below for convenience:

"According to Government orders, G.I., M.F. O.M. No. 19013/1/75-E.IV(B) dated the 22nd September, 1975; No. 19013/3/76-E.IV(B) dated the 17th November, 1977, No. 19030/1/76-E.IV(B) dated the 30th January, 1978 No. 19030/2/86-E.IV dated the 24th March, 1986 and No. 19030/5/86-E.IV dated the 12th December, 1986 quoted as Govt. orders No. 3 beneath S.R. 164 at page 190 and 191 of the Swamy's Compilation of FRSR Part-II Government servants deputed to undergo training in India are entitled to get daily allowance according to the scale S mentioned therein. These Government orders and S.R. 164 are applicable to all the employees under the Central Govt. The applicability of these Government orders and the provisions of S.R. cannot be taken away in the case of a specified class of trainees by the DGP&T on the ground that the Finance has stated that certain orders issued by the Postal Department were null and void. The contention of the respondents that the persons who are undergoing training on promotion stand on a different footing than officers undergoing service training inasmuch as the promotees get a benefit by the training and for that reason they have to bear the expenses for the training, does not appeal to us as a sound argument. The S.R. 164 or the Government decisions cited above do not make any distinction between the persons undergoing training on promotion and persons who are undergoing other inservice training.

6. Therefore, the directions contained in Annexure-IV and V orders of the DGP&T being against the provisions of SR and the Government orders cited above, we declare that they are invalid and inoperative. We declare that the applicants are entitled to get T.A. and D.A. for training on their appointment to higher posts as Postal Assistants and therefore, we direct the respondents to pass their T. A. Bills submitted by them treating that Annexure-IV and V instructions had never been issued within a period of two months from the date of this order."

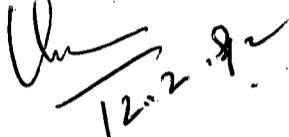
6. We follow the judgment in O.A. 315/89 and allow this application and declare that the applicants are entitled to get TA and DA on their deputation for training for applicants to the post of Postal Assistants and direct the respondents to grant the daily allowances claimed by the applicants. This shall be done within a period of two months from the date of this order.

7. There will be no order as to costs.


(N. DHARMADAN)

JUDICIAL MEMBER

12.1.96


(N. V. KRISHNAN)

ADMINISTRATIVE MEMBER

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