

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 51 OF 2007

Thursday, this the 15th day of November, 2007.

CORAM :

HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN

M.Prabhakaran Pillai
Supervisor (Retired.),
RMS 'TV' Division
Thiruvananthapuram
Residing at : Pournami, Thazhamel, Anchal
Kollam - 691306 : Applicant

(By Advocate Mr. O.V.Radhakrishnan, Senior with Mr.Antony
Mukkath)

Versus

1. Senior Superintendent
RMS TV Division,
Thiruvananthapuram
2. Director of Postal Services (HQ)
Office of the Chief Post Master General
Kerala Circle, Thiruvananthapuram
3. Chief Postmaster General
Kerala Circle,
Thiruvananthapuram
4. Union of India represented by Secretary,
Ministry of Communications
New Delhi : Respondents

(By Advocate Mrs.Mini R Menon, ACGSC)

The application having been heard on 15.11.2007, the
Tribunal on the same day delivered the following :

O R D E R

HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN

The applicant is working as Supervisor (HSG-I
Officiating), RMS 'TV' Division, Trivandrum and retired on
superannuation on 31.12.2002. He had declared his permanent
Home Town as Anchal, Kollam and submitted TA bill in

2

February, 2003 after his retirement claiming Transfer Allowance for himself and his family and also transfer grant. He was informed that he had not furnished the correct address to which he submitted a representation on 29.04.2003 pointing out that his residential address was " TC - 50/64, Thamaram, Karamana, Trivandrum." Thereafter, by Annexure A-4, A-5 and A-6 representations he had been reminding the respondents to make available the TA admissible to him on retirement. The applicant having not received any response from the respondents had approached the respondents under Right to Information Act by representation dated 09.01.2006 regarding the Transfer Allowance sanctioned to him which has now been rejected by the impugned order at Annexure A-8 dated 20.01.2006 by the respondents on the following grounds:-

- (i) *Though the applicant was sanctioned road mileage to the tune of Rs. 280/- and drawn in voucher 84 7/03, he did not turn up to receive the amount and hence it has to be credited into Government Account.*
- (ii) There was no change of residence and incorrect address was furnished to the department.

2. Respondents have filed a reply statement in which the main contention they have taken for rejecting the representation of the applicant for Travelling Allowance is that he had furnished a local address different from what had mentioned in the register maintained by the Head Record Office, RMS, TV Division. Enquiry was made from the place of residence of the

✓

applicant and it was found that one of the relatives of the applicant was residing in the address given. As per extant rules, no transfer grant can be granted without any shifting of residence being involved under SR 116 and since there was no such shifting of residence by the applicant, he was not entitled for transfer grant.

3. No rejoinder has been filed.

4. Today I heard counsel for both sides. Counsel for applicant has submitted that as the applicant had superannuated, his transfer Travelling Allowance claim are claimed under SR 147, according to which Travelling Allowance to retiring Government servants is admissible from the last station of duty to the Home Town or to the place where he settles down permanently even if it is other than that is declared as Home Town. In the Government of India's Order under SR 147 there are no stipulations regarding shifting of residence or change of station etc. and the respondents have unnecessarily brought these irrelevant points for denying him the benefit.


5. I have gone through the record and the provisions of SR 116 and SR 147 and the Government of India's orders therein. I agree with the applicant that the case of transfer grant of TA after retirement are not governed by SR 116 but by only the scales of allowances will be governed by SR 116. The Government of India's decision in Annexure A-1 order reads as under :-

✓

(1) T.A to Central Government servants on retirement. - 1. *Settlement in station other than last station of duty – It has been decided to sanction the grant of travelling allowance to retiring Government servants on the scale and the conditions set out below. The travelling allowance referred to will be admissible in respect of the journey of the Government servant and members of his family from the last station of his duty to his home town or to the place where he and his family is to settle down permanently even if it is other than his declared hometown and in respect of the transportation of his personal effects between the same places."*

The provisions under SR 147 also do not stipulate any condition that there shall be a proof of shifting of residence or even any need to furnish a residential address at the duty station. Travelling Allowance is admissible from the last station of duty to the Home town where employee proposed to settle. There is no denial as far as the applicant's last station of duty is concerned as he had retired from RMS 'TV' Station, Trivandrum and also regarding his permanent residence which is recorded in the register maintained in the Head Record Office according to which he is permanently residing at Anchal, Kollam. Therefore, there is no basis for the respondents for refusing to grant the transfer T.A, transfer grant etc. admissible to him in accordance with the claims made by him at Annexure R-1(a),(b) & (c).

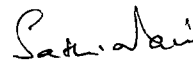
6. **OA is allowed.** The 1st respondent is directed to reconsider the matter and sanction the Transfer claims submitted by the applicant in accordance with the provisions of SR 147 and decisions thereunder by reviving the same and



: 5 :

make payment to the applicant within two months from the date of receipt of a copy of this order. No costs.

Dated, the 15th November, 2007.



SATHI NAIR
VICE CHAIRMAN

VS