

04.10.1989

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

Dated WEDNESDAY the fourth day of October Nineteen hundred
and eighty nine

PRESENT

Hon'ble Shri N. Dharmadan, Judicial Member

Original Application No.136/89

C. Satheesanthe first applicant
N. Chandranthe second applicant

V.

1. Union of India represented by the Secretary, Ministry of Communication, New Delhi.
2. The Superintendent of Post Offices, Cannanore Division, Cannanore.
3. The Director (North) Postal Services, Calicut.
4. The Post Master General, Kerala Circle, Trivandrum.

THE RESPONDENTS

Shri P.V. Mohanan : the applicants' counsel
Shri P.V. Madhavan Nambiar, SCGSC : the respondents' counsel

JUDGMENT

The applicants in this case were appointed as L.R. Postal Assistant and they have been deputed for

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training in Telegraphy which comprises both theoretical training for 180 days and practical training for 90 days.

They have stated that the applicants were deputed to

[↳] Cannanore for training on the basis of their option.

According to the applicants they have also completed the training but their claim for TA and DA which is allowed under the Rules has been turned down as per Annexure.III.

^{Challenged in order because of item 4}
The applicants have filed Annexure IV appeal before the third respondent on 4.5.1988 (by the first applicant).

It was submitted that similar appeal has been filed by the second applicant also.

2. The Assistant Director issued Annexure V bearing No. ASP/70/1/87/KW dated 26.7.1988. The applicants are seeking to quash Annexure V letter. The applicants also pray for grant of TA admissible to them during the practical training from 1.8.1987 to 31.10.1987.

3. The learned counsel for the applicants brought to my notice the following proceedings of DGP & T dated 26th July, 1982.

"With reference to G.I order (3) above reference have been received seeking clarification as to the admissibility of the daily allowance for a course of training beyond 180 days on Morse code where the theoretical training of 180 days is followed by the practical training of 90 days. The matter has been considered in consultation with the Ministry of Finance and it is hereby clarified that the daily allowance will be admissible for the first 180 days

only where the practical training is continuous with theoretical training at the same station without any break. In cases where the theoretical training of 180 days is at one station and the practical training of 90 days has to be organised at another station, daily allowance for the other 90 days will also be admissible at the new station by treating it as a fresh course of training."

Under the above letter, daily allowance will be payable for the trainees for the period of training if they satisfy the conditions and the training is continuous without break. The Annexure V letter appears to have been issued by the Assistant Director as a clarification of DGP&T's letter dated 26.7.1982 referred to above, but, I don't find any legal authority on the part of Assistant Director to issue such a letter clarifying the DGP&T's letter which is extrated above. The learned Central Government Counsel was not able to show that the Assistant Director has any authority to issue such clarifications as contained in Annexure V. However, I am not expressing any opinion about the power and authority of the Assistant Director to issue such a letter.

4. In the facts and circumstances and in the interest of justice, this case can be disposed of with the following directions. Since the grievances of the applicants have

been stated in the Annexure IV appeal and a similar one
filed by the second applicant ^{and they} were now pending before
the third respondent, he is bound to dispose of them
considering the DGP&T's letter dated 26.7.1982.

5. Hence, I direct the third respondent to
consider and dispose of Annexure IV appeal and also a
similar appeal filed by the second applicant, in the light
of the above observations uninfluenced by the statement
contained in the Annexure V. The third respondent shall
dispose of the same within a period of three months from
the date of receipt of copy of this judgment. The
application is disposed of with the above directions.

There will be no order as to costs.

N. Dharmadan 4.10.89
(N. DHARMADAN)
Judicial Member
Dated, 4th October, 1989

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