

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 250/92
~~F.A. No.~~

~~XXX~~

DATE OF DECISION 25.06.92

T.K. Jacob Applicant (s)

Mr. K.R.B. Kaimal Advocate for the Applicant (s)

Versus

Union of India, represented by Respondent (s)
the Secretary to Government,
Ministry of Communication,
New Delhi & 3 others.

Mr. C.Kochunni Nair, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N.V. Krishnan, Vice Chairman

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

SHRI N. DHARMADAN, JUDICIAL MEMBER

The claim of the applicant in this application is for TA & DA for ^{having} attended ² training on the basis of the orders passed by the Postal Department.

2. The applicant commenced service as a Postal Assistant in 1975. The Postal Assistants are eligible to appear in the examinations for appointment as Railway Mail Service Accountants, Junior Accounts Officer and Inspector of Post Offices. In 1983 the applicant passed Part-I of the Junior Accounts Officers Examination. He also passed the Post Office and R.M.S. Accounts Accountants Examination. Thereafter he was posted in the Allowanced post of Accountant in the office of the 4th respondent. While working in that capacity he appeared

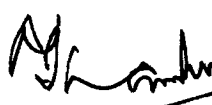
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for Part-II of Junior Accounts Officers Examination held in November 1988. He passed in that examination. The applicant and three others were deputed by the 3rd respondent, as per order No.ST/6/1/89 dated 25.8.1989, to undergo training for a period of 63 days. Annexure-I is the order. During the training the applicant is entitled for travelling allowance for the journeys performed by him to attend the training in the various stations other than his headquarters (Irrinjalakuda) and also for daily allowance for the days on which he was away from the headquarters. The 3rd respondent as per order dated 25.8.1989 sanctioned payment of a sum of Rs.2,000/- as advance ^{of} ~~of~~ TA & DA for the training period. The said amount was to be adjusted against the final claim to be submitted on completion of the training. Immediately after completion of the training the applicant submitted on 2.12.1989 a T.A.Bill to the 4th respondent for a total amount of Rs.2,465/-. The 4th respondent did not pass the bill. He passed Annexure-II order dated 19.2.1991 intimating that as per the clarification issued by the 2nd and 3rd respondents the applicant is entitled to only for the travelling expenses. The clarifications are produced as Annexures III & IV.

3. In this application filed under Section 19 of the Administrative Tribunals Act, 1985 the applicant seeks to set aside the Annexures II, III & IV and prays for a direction to the respondents to sanction and disburse the TA & DA as per the claim already submitted by the applicant.

4. When the matter came up for final hearing the learned counsel appearing on behalf of the applicant submitted that this case is covered by the earlier decisions of the Tribunal in O.A. 315/89 and OA 593/91. The learned counsel for the respondents is not in a position to dispute

this statement. We have perused the judgments in the earlier cases and ^{are by} satisfied that this case can be allowed following the earlier judgments. Accordingly we quash Annexure-II order and direct the respondents to disburse to the applicant daily allowance for the period of training which he had undergone from 1.9.89 to 2.12.89 as per the claim already made by the applicant. This shall be done within a period of two months from the date of receipt of a copy of the judgment. The application is allowed to that extent. There will be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER

25.6.92


(N.V. KRISHNAN)
VICE CHAIRMAN

v/-