

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 358 of 2000

Friday, this the 12th day of April, 2002

CORAM

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. E.N. Venugopalan,
S/o P.G. Narayanan Nair,
Peon, Local Office,
E.S.I. Corporation, Aluva.Applicant

[By Advocate Mr. Babu Karukapadath]

Versus

1. Union of India rep. by its
Secretary, Ministry of Finance,
Department of Expenditure, New Delhi.
2. E.S.I. Corporation rep. by its
Director General, New Delhi.
3. Regional Director,
E.S.I. Corporation, Trichur.Respondents

[By Advocate Mr. T.V. Ajayakumar]

The application having been heard on 12-4-2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

The applicant, aggrieved by A4 order dated 12-10-1999
and A5 order dated 13-3-2000 by which the alleged excess amount
paid to him by way of transport allowance from 1-8-1997 was
ordered to be recovered, has filed this Original Application
seeking the following reliefs:-

"a) declare that applicant is also entitled to get
conveyance/Transport allowance at double the
normal rate prescribed for the handicapped
persons under Annexure A3 order;
b) set aside the Annexure A4 and Annexure A5
orders."



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2. When the Original Application came up for final hearing today, learned counsel for the respondents submitted on instructions that the department does not propose to recover any payment of transport allowance made to the applicant from 1-8-1997 onwards and that the applicant would be paid the transport allowance in accordance with A3 order of the Government of India, Ministry of Finance dated 3-10-1997 at double the rate as further clarified by the Government of India in their OM No.21(1)/97-E.II(B) dated 26-5-2000. Learned counsel for the applicant submitted that the above submission may be recorded and the Original Application may be closed as the reliefs sought for by the applicant have been granted by the respondents.

3. In the light of the above submissions, the Original Application is closed leaving the parties to bear their respective costs.

Friday, this the 12th day of April, 2002



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the certificate dated 10.12.86 issued by the General Hospital, Ernakulam.
2. A-2 : True copy of the Government order No.G.I.,M.F., O.M.19029/1/78-E IV, (B) dated 31.8.78.
3. A-3 : True copy of the Government of India order No.21(1)/97/E.II (B) dated 3.10.97 issued by Ministry of Finance, Government of India.
4. A-4 : True copy of the order No.S4.A.28/15/1/99-Cash dated 12.10.99 issued by the Deputy Director (Cash) attached to the office of the 3rd respondent.
5. A-5 : True copy of the order No.S4.A.28/15/1/99-Cash dated 13.3.2000 issued by the Deputy Director, (Cash) attached to the office of 3rd respondent.

Respondents' Annexures:

1. R-2(a): True copy of the disability certificate dt.20.1.93 issued by the Medical Board, Ernakulam.
2. R-2(b): True copy of the Memorandum No.A.28(25)/98-E.II(B) dt.9.4.99 of the E.S.I.Corporation.
3. R-2(c): True copy of the letter NO.54-11/15/1/92-MR/TCR dt.7.2.2000 of the Medical Referees Office, Trichur.
4. R-2(d): True copy of the Order No.27-KR(6)C.C.D/99/5763/ 6209 dated 27.6.2000.

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