

CENTRAL ADMINISTRATIVE TRIBUNAL: ERNAKULAM BENCH

Date: 28-2-1990

Present

Hon<sup>ble</sup> Shri NV Krishnan, Administrative Member  
and  
Hon<sup>ble</sup> Shri N Dharmadan, Judicial Member

OA 396/89

1. E Valsala  
2. KP Sathyan : Applicants

Vs.

1 The Senior Superintendent of Post  
Offices, Cannanore.  
2 The Senior Superintendent of Post  
Offices, Ernakulam.  
3 The Director of Postal Services,  
Cochin Region, Cochin-11  
4 The Director General, P&T Deptt.  
New Delhi.  
5 Union of India rep. by its  
Secretary to Government,  
Deptt. of Posts, New Delhi : Respondents

M/s MR Rajendran Nair & PV Asha : Counsel of Applicants  
Mr P Santhalingam, ACGSC : Counsel of Respondents

O R D E R.

Shri NV Krishnan, Administrative Member.

The two applicants who filed this application  
have impugned the letter No. 17-16/80-PAP dated 17.8.87  
of the Director General (Posts) (Annexure -III) and another  
letter of the Director General (Posts) of even number  
dated 8.3.89 (Annexure IV). In accordance with the  
instructions contained in these two impugned letters, the

Respondents have contended that the two applicants are not entitled to get TA/DA on their deputation to training for appointment to the higher post of Postal Assistants. Being aggrieved by this decision, this application has been filed.

2.1 The two applicants were Lower grade Officials in the Postal Department. They came out successful in the Departmental Examination held for such Lower grade Officials for appointment by promotion as Postal Assistants. The 2nd Applicant was directed to report to the Postal Training Centre, Mysore on 1.9.87 to undergo training for two months and three weeks. The Annexure I letter issued to him by Respondent-2 stated that the applicant will be eligible for TA as on tour during the period of training. Like wise, the 1st applicant was directed to undergo ~~for~~ training at the same Institution.

~~2.1~~ From 1.12.87 by the Respondent-1, Annexure II issued to ~~her~~ indicates the nature of expenditure which ~~she~~ may have to incur on mess advance, seat rent, welfare fund, recreation club etc. amounting to Rs 460/- and it was also indicated that the mess charge ~~w~~ould normally be Rs 440/- per month. Unlike the Annexure I issued ~~by~~ <sup>the order</sup> <sup>in what</sup> Respondent-2, ~~others~~ did not indicate ~~any of the~~ manner

the period of training would be treated.

2.2 The applicants obtained advance TA and on completion of the training, when they submitted their TA Bills for settlement, the bills were passed only for the actual fare incurred for the to and fro journey for the training. The claim for Daily Allowance was disallowed and the excess amount of TA advance taken was recovered. This was done on the ground that the applicants are entitled to only to and fro fare and <sup>to</sup> ~~the~~ no other concessions. The applicants have contended that in view of FR 49 and SR 164, as well as the instruction of the government, <sup>thereunder,</sup> U they are ~~not~~ entitled to TA/DA on their deputation for training for promotion.

3 The respondents have filed a reply affidavit stating that the applicants were entitled to only to and fro fare to attend the course of training based on the instructions contained in Annexure III and Annexure IV letter.

4 When the case was taken up for hearing, counsel of U applicants ~~respondents~~ submitted that the same issue has already been decided by an earlier order dated 18.12.89 of the Ernakulam Bench of the Tribunal in OA 315/89, a copy of which was produced for our perusal. Though the respondents were noticed, none was present on the two dates of hearing when the matter was listed.

5 Having perused that order we are of the view that the decision pronounced therein would apply equally to the facts of this case.

6 For the reasons already stated in that order, the directions contained in the impugned letters at Annexure-III and IV in the present case, which were *in that case* exhibited as Annexure IV and V, ~~those letters~~ have been declared as invalid and inoperative. We are, therefore, of the view that it is not necessary to again declare the letters at Annexure III and Annexure IV in the present case as being invalid and inoperative. We are *Satisfied* ~~of the view~~ that this application has to succeed and hence it is allowed. We declare that the applicants are *to attending the course 2* entitled to get TA/DA for ~~for~~ training for their appointment as Postal Assistants by way of promotion and hence, we direct the respondents to clear the bills presented by them in accordance with this declaration and pay the arrears due to them within a period of two months from the date of receipt of a copy of this order.

7 There will be no order as to costs.

*N. Dharmadan*  
28.2.90  
(N Dharmadan)  
Judicial Member

*NV Krishnan*  
28/2/90  
(NV Krishnan)  
Administrative Member

28-2-1990