

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

Original Application No.414/2009

Reserved on 27.08.2014.

Pronounced on _____.

HON'BLE MR. NAVNEET KUMAR, MEMBER (J)

HON'BLE MS. JAYATI CHANDRA, MEMBER (A)

R.D. Tewari, aged about 72 years retired SPOs Basti S/o Sri Ratan Lal Tewari R/o Village Misri Tewari Ka Purwa hamlet of Umapur Via Mirmau District Barabanki. (Died)

1/1. Manoj Kumar Tewari age 37 years S/o R.D. Tewari R/o 129-B Kandhari Bazar, Rakabganj, Faizabad.

1/2. RajendraKumar Tewari age 48 years S/o R.D. Tewari.

1/3. Rajesh Kumar Tewari age 45 years S/o Late Sri R.D. Tewari R/o Misri Tewari Ka Purva, P.O. Umapur Via Mirmau, Faizabad.

1/4. Devendra Kumar Tewari age 32 years S/o Late Sri R.D. Tewari R/o 129-B Kandhari Bazar, Rakabganj, Faizabad.

...Applicant.

By Advocate: Sri R.S Gupta.

Versus.

1. Union of India, through the Secretary-cum D.G., Department of Post, Dak Bhawan, New Delhi.
2. Chief Postmaster General, U.P., Lucknow.
3. Postmaster General, Gorakhpur.
4. Senior Superintendent of Post Offices, Faizabad/Lucknow.
5. Superintendent of Post Offices, Basti/Sultanpur/Gonda.

...Respondents.

By Advocate: Sri S.P. Singh.

S. Chandra

O R D E R

Per Ms. Jayati Chandra, Member (A).

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following relief(s):-

“(a). That this Hon’ble Tribunal may graciously be pleased to direct opposite parties to refund the amount deducted as detailed in Para 4.10 to 4.10 (q) above alongwith interest @ 18% from the date of sanction of T.A. claims to the date of actual payment.

(b). Any other relief deemed just and proper in the circumstances of the case.

(c). Allow O.A. with costs.”

2. The facts of the case as averred by the applicant are that the applicant was retired from the post of SPOs, Basti on 31.01.1996. At the time of retirement the applicant was drawing pay at Rs.9750/- as he was last working on a Group ‘B’ post, he is entitled to T.A. claims as admissible to Group ‘B’ officer if re-engaged after retirement. The applicant is resident of Village Misri Tewri Ka Purva P.O. Umapur (Mirmau SO) now District Barabanki. The applicant attended various departmental enquiries in various divisions as directed by the respondent department from time to time. He submitted his TA Bills for the various journeys undertaken by the admissible modes of transport for the journeys undertaken by him during conducting the departmental enquiries. All his TA claims were cleared as per the rates claimed by him prior to September, 2005. However, after September, 2005 the respondents kept his TA Bills pending for the years and thereafter unlawfully deducted various amounts without giving any show cause notice to

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him. Feeling aggrieved with the aforesaid, the applicant preferred an O.A.No.102/2007, which was disposed of by an order dated 21.01.2008 with a directions to the respondents to decide his representation dated 27.03.2008. However, the respondents, who have the power and authority to settle all such TA claims at the level of Divisional Head concerned, wrongly referred the same to the P.M.G./CPMG. One instance quoted by the applicant is the wrong deduction of road mileage as per journey performed by Car in contravention of the relevant G.Os. The applicant has specifically mentioned in detailed in Para-4.10 to Para 4.10 (r) in his O.A. regarding his pending TA bills but, the respondents have not paid any heed to his T.A. Bills. Hence, this OA.

3. The respondents have filed their reply denying the claim of the applicant stating therein that prior to September, 2005 no doubt the T.A. Claims of the applicant were passed as presented before the Divisional Heads. However, the internal audit party of the office of the Director, Postal Accounts, Lucknow had pointed out during its inspection that the divisional heads are not competent authority to sanction the T.A. bills of a retired gazette officer and in pursuance of that audit objection, the T.A. bills of the applicant were forwarded to PMG/CPMG concerned. The copy of the audit party note is annexed at (Annexure No.CR-1 to the CA of Basti Division).

4. The applicant has filed a Rejoinder reply more or less reiterating his contentions as raised in the OA.

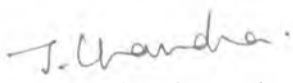
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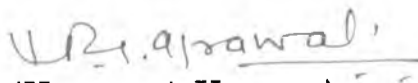
5. We have heard the learned counsel for both the parties and perused the entire material available on record.

6. The applicant has averred that there are total of 29 bills pertaining to Lucknow Division, 19 bills pertaining to Faizabad Division, 3 bills pertaining to Sultanpur Division, 10 bills pertaining to Basti Division and 22 bills pertaining to Gonda Division and the due amount have not been paid to the applicant till date. It is not possible for this Tribunal to calculate the admissibility or otherwise, of the bills as raised which appears to be accountancy exercise based on admissibility of the T.A. Bills produced by a Group 'B' office of the postal department.

7. In view of the above, the OA is disposed of with a direction to the applicant to provide a complete details of his T.A. bills to the Respondent No.2 within two months from the date of receipt of the copy of this order and thereafter, the Respondent No.2 is directed to dispose of the same within a period of six months. In case the applicants (sons of the deceased employee) are still aggrieved they will have the liberty to approach this Tribunal afresh.

8. With the above observations, the OA is disposed of with no order as to costs.


(Ms. Jayati Chandra)
Member (A)
 Amit/-


(Navneet Kumar)
Member (J)