

**Central Adminsitrative Tribunal, Lucknow Bench, Lucknow**

**Original Application No. 409/2008**

This the <sup>3<sup>rd</sup></sup> day of March , 2009

**Hon'ble Dr. A. K. Mishra, Member (A)**

Prabhu Nath Ram aged about 56 years son of late Sri Jawahar Prasad  
r/o 619, Nai Basti Shiv Nagar, Maswanpur, District- Kanpur.

Applicant.

By Advocate Sri K.Bajpai

Versus

1. Union of India, through the Secretary, Ministry of Customs and Central Excise, New Delhi.
2. The Chief Commissioner , Customs and Central Excise, Lucknow.
3. The Commissioner, Central Excise, Lucknow.
4. The Commissioner, Central Excise, Kanpur.
5. The Joint Commissioner (Cadre Control) Central Excise, Lucknow.

Respondents.

By Advocate Sri S.P. Singh

Order

By Hon'ble Dr. A.K. Mishra, Member (A)

The applicant has assailed the order dated 24.7.2008 of the respondent No. 5 (Joint Commissioner (Cadre Control) in not allowing transfer travel allowance (TTA) to the applicant and prayed for a direction for payment of TTA as well as interest thereon.

2. The learned counsel for the respondents submits that the applicant's representation in this regard was favourably considered and his claim for TTA has been allowed by the respondent No.4; as such, this application has become in-fructuous.
3. The learned counsel for the applicant claims that he has been put to unnecessary litigation because of the unreasonable stand originally taken by the respondent authorities. Earlier, he was transferred from Kanpur to Lucknow with a specific condition that after one year he would be transferred back in public interest to



Kanpur. Even though, the earlier order was issued on 1.7.2002 and the applicant had been representing for his re-transfer to Kanpur after expiry of one year, no action was taken thereon for a long time. Ultimately, he was transferred on 24.7.2008 after a direction was given by this Tribunal on 22.5.2008 for consideration of his representation. Even while considering his genuine request, a wrong decision was made deliberately denying him TTA and again he had to file the present O.A. However, the mistake has now been rectified.

4. From his Rejoinder Reply, we find that he has filed his TTA application only on 15.1.2009. Since the authorities have already agreed to pay him TTA, we dispose of this application with a direction that his TTA should be processed and finalized within 15 days from the date, a copy of this order is submitted before them, failing which, they would be required to pay interest @ 8.5% from the date of expiry of 15 days till when the actual payment is made. *if payment has not been made so far.*

5. The O.A. is disposed of with the above observations. No costs.

*Attn: 31/03/09*  
(Dr. A. K. Mishra)  
Member (A)

HLS/-