

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No. 401/2008

This, the 9th day of October, 2013

Hon'ble Sri Navneet Kumar, Member (J)

K.K. Bajpai aged about 64 years son of late J.P. Bajpai resident of D-120 A, Awas Vikas Colony, Rajajipuram, District- Lucknow

Applicant.

By Advocate: Sri Dharmendra Awasthi

Versus

1. Union of India through the Secretary Department of Posts, Govt. of India, Dak Bhawan, New Delhi.
2. Chief Post Master General, M.P. Circle, Bhopal (MP).
3. Post Master General, Indore Region, Indore (MP).
4. Director Postal Services, Indore Region, Indore (MP).
5. Senior Superintendent of Post Offices, Jabalpur Division, Jabalpur, Madhya Pradesh

Respondents.

By Advocate: Sri G.K. Singh

(Reserved on 3.10.2013)

ORDER

By Hon'ble Sri Navneet Kumar, Member (J)

The present Original Application has been preferred by the applicant u/s 19 of the AT Act with the following reliefs:-

- i) quash the impugned order dated 12.5.2006, passed by the opposite party No. 5 after summoning the same in original from the O.P. No.5 order dated 18.4.2007, passed under the signature of A.O. O. of opposite party No.3 and order dated 28.9.2007 passed by the opposite party No. 2 contained as Annexure No.1,2 and 3 respectively to this original application.
- ii) direct the opposite parties to allow the T.A. claim of Rs. 12667/- along with 18% of the petitioner for which the representation had already been made.
- iii) pass any other suitable order or direction which this Hon'ble Tribunal may deem, fit just and proper under the circumstances of the case in favour of the applicant.
- iv) allow the present original application of the applicant with cost.



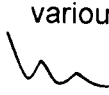
2. The brief facts of the case are that the applicant was working with the respondents organization, was charge sheeted in 1994 and thereafter, retired from service on 30.6.2004. At the time of his retirement, he was posted at Jabalpur and he submitted his T.A. claim on 30th March, 2006 for payment. The said claim was for a sum of Rs. 12667/-. But the said claim of the applicant was regretted. The applicant preferred an appeal against the said order and the said appeal was also rejected by the authorities on 28.9.2007. The applicant feeling aggrieved by the said orders, preferred the present O.A.

3. The learned counsel for respondents has filed reply and through reply, it was pointed out that after the superannuation on 30th June, 2004, the applicant was required to submit his T.A. claim within a period of one year from the date of retirement and since the applicant has not submitted the same neither he has moved any application for extension, therefore, as per Rule 147 of FRSR Part II TA. Rules, the applicant is not entitled for any claim.

4. Learned counsel appearing on behalf of the applicant has filed Rejoinder Reply and through Rejoinder reply it was once again pointed out by the learned counsel for applicant that the recovery from the applicant is illegal since he has submitted his T.A. claim well in time.

5. Heard the learned counsel for the parties and perused the record.

6. The certain position in the case is absolutely undisputed to the extent that the applicant was superannuated on 30th June 2004 and the applicant was required to submit his T.A. bill within a period of one year from the date of retirement. There is no such document on record which may indicate that the applicant has ever requested for extension of time within a period of one year from the date of retirement nor any T.A. bill was submitted within one year from the date of his retirement. Rather, he has submitted T.A. bill on 30th March, 2006 whereby he has claimed total T.A. sum of Rs. 12667/- on various heads like Train Ticket and other charges, although the said



T.A. bill is also not on record. The Senior Superintendent of Post Offices, Jabalpur Division, Jabalpur observed that since the stations Jabalpur to Lucknow is connected by train, as such an amount of Rs. 1639/- was paid to him in accordance with the train fare. The applicant being dissatisfied with the said order, preferred an appeal and appellate authority while deciding the appeal observed that the applicant has been wrongly sanctioned and paid the said amount as the Rule 147 of FRSR Part II (TA Rules) provides that the T.A. bill has to be submitted within one year from the date of superannuation. The relevant portion of Rule 147 of SR is quoted below:-

"S.R. 147. A competent authority may, for special reasons which should be recorded, permit any govt. servant to draw travelling allowance for a journey of the kind mentioned in Rule 146.

Government of India's orders

(1) T.A. to Central Government servants on retirement-

I Settlement in station other than last station of duty.- It has been decided to sanction the grant of travelling allowances to retiring Govt. servants on the scale and the conditions set out below. The travelling allowance referred to will be admissible in respect of the journey of the Govt. servant and members of his family from the last station of his duty to his home town or to the place where he and his family is to settle down permanently even if it is other than his declared home town and in respect of the transportation of his personal effects between the same places.

(a) For journey by different modes- Entitlements as for transfer.

EXPLANATION.-.....

(b)

(c)

(d)

EXPLANATION--.....



(2) The grant of concession will be further subject to the following conditions, clarifications and subsidiary instructions:-

(i)

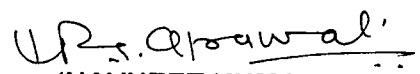
(ii)

(iii) The concession may be availed of by a Government servant who is eligible for it, at any time during his leave preparatory to retirement, or within one year of the date of his retirement.

Powers to extend the time-limit of one year will be exercised by the Administrative Ministers/ Departments with the approval of the F.A. concerned, in individual cases attendant with special circumstances."

7. Bare perusal of the aforesaid provision is absolutely clear to the extent that the T.A. bill is required to be submitted within a period of one year. In the instant case, the same was submitted after a period of one year and there is no application for seeking extension of time. The appeal decided by the appellate authority does not suffer from any infirmity or any illegality. Accordingly, I do not find any reason to interfere in the present impugned orders.

8. Accordingly, the O.A. is fit to be dismissed as such O.A. is dismissed. No order as to costs.


(NAVNEET KUMAR)
MEMBER (J)

HLS/-