

(18)

CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 4/1987 198
T.A.x Nox

DATE OF DECISION 7.7.1989.

Shri K.C.Mathur

Petitioner

Advocate for the Petitioner(s)

Versus

Development Commissioner (Handicrafts) & anr.

Respondent

Shri S.R.Atre(for Shri P.M.Pradhan)

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.S.CHAUDHURI, Member(A).

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

ORIGINAL APPLICATION No.4 OF 1987.

Kanwar Chand Mathur,
 Moondhra Bhavan,
 Lallubhai Park,
 Andheri (West),
 Bombay - 400 058.

... Applicant

V/s.

1) Development Commissioner
 (Handicrafts)

Ministry of Textiles,
 West Block VII,
 R.K. Puram,
 New Delhi.

2) Pay & Accounts Officer,

Central Pay & Accounts Office,
 Development Commissioner(H),
 Ministry of Textiles,
 West Block No.VII,
 R.K. Puram,
 New Delhi.

... Respondents

Coram: Hon'ble Member(A), Shri P.S. Chaudhuri

ORAL JUDGMENT:

Dated: 7.7.1989.

This application was filed on 23.12.1986 under Section 19 of the Administrative Tribunals Act, 1985. In it the applicant prays for early payment of his legal & legitimate T.A. claims for the period 27.3.1978 to 2.1.1980 duly sanctioned vide order No.5(4)/83-Adm VI dated 26.8.1983.

2. In 1978 when the applicant was working as Assistant Development Officer in the Regional Design and Technical Development Centre of the Development Commissioner (Handicrafts) at Prabhadevi, Bombay, he was asked by the Development Commissioner (Handicrafts), New Delhi to hold the additional duties of the post of Deputy Director in the Regional Office (Western Region) of the Development

Commissioner (Handicrafts) at Fort, Bombay. To perform these additional duties the applicant had to make frequent visits from his office at Prabhadevi, ^{Fort,} Bombay to the Regional Office (Western Region) at P.Nariman Street, Bombay, a distance of about 11 km away. The applicant submitted a consolidated statement of such official trips ^{all} during the period from 27.3.1978 to 2.1.1980. The total amount of T.A. claimed (actual bus fares plus incidental expenses) during this period amounted to Rs.3,062.85. This claim was sanctioned by the Development Commissioner (Handicrafts) by an order dt. 26.8.1983 as amended by an order dated 20.10.1983. As the applicant was not paid this amount he reported the matter to the Development Commissioner (Handicrafts). He was asked to re-submit the T.A. bills after meeting the objections raised by the Accounts Office. The applicant did so. He received a letter dated 31.7.1984 from the office of the Development Commissioner (Handicrafts) ^{saying} that the matter could not be processed in the absence of ^{the} relevant file which was alleged to have been taken away by the applicant. Thereafter, he did not hear anything in the matter. Being aggrieved, he filed this application on 23.12.1986.

3. The respondents opposed the application by filing their written reply. I have today heard the applicant in person and Mr.S.R.Atre holding the brief of Mr.P.M.Pradhan, learned advocate for Respondent No.1.

4. Mr.Atre submitted that the respondents have paid a sum of Rs.3,063.00 to the applicant in two instalments, viz. Rs.1,650.80 rounded off to Rs.1,651 as detailed in letter dated 9.5.1989 and Rs.1,411.80 rounded off to Rs.1,412 as detailed in letter dated 22.6.1989. The

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applicant confirms having received both these amounts.

5. In view of this position the application no longer survives. The applicant, however, prayed that he may be awarded some costs in view of the inconvenience to which he had been put, the expenditure he had to incur and the long delay in the payment of the amount that was legitimately payable to him. Mr. Atre opposed this request on a number of grounds. His first submission was that a necessary authority had initially not been impleaded and this had only been corrected later by the addition of Respondent No.2. His second submission was that the application had been preferred only on 23.12.1986 against an order dated 31.7.1984 and that it was therefore, barred by limitation. I do not see any merit in this submission at this stage, as the application was admitted only after a hearing on the point of limitation. Mr. Atre's final submission was that respondent No.1 came to be in a position to pay the amount prayed for only after the newly added respondent No.2 had agreed to do so, and this agreement only came about because of the addition of the newly added respondent No.2 after the original application has been filed. I do not see any merit in this submission because the applicant had asked for the amount due to him and the same had been sanctioned. It was not because of any negligence on the part of the applicant that the amount had not been paid to him in time. In view of the matter, I see some merit in the applicant's request.

6. In the result I pass the following order:-

O R D E R

- (i) The application is disposed of as no longer surviving.
- (ii) Respondent No.1 shall pay a sum of Rs.300/- (Rupees Three Hundred only) as costs to the applicant.



(P.S.CHAUDHURI)
MEMBER(A)