

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

O.A. No. 744 of 2005

C O R A M

Hon'ble Mr. Justice Syed Md. Mahfooz Alam, Member [Judicial]
Hon'ble Mr. Naresh Gupta, Member [Administrative]

V.K. Sahay, S/o Late Shri Avadhesh Nandan Sahay, Ex Vice-Chairman, Railway Claims Tribunal, Kolkata, r/o Savitri Sadan, Anugrah Narayan Road, Kadamkuan, Patna.

.....Applicants.

By Advocate : Shri M.P. Dixit

Vs.

1. The Union of India, through the Chairman, Railway claims Tribunal, Principal Bench, 13/15 Mall Road, Delhi.
2. The Secretary, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi.
3. The Registrar, Railway claims Tribunal, Principal Bench, 13/15 Mall Road, Delhi.

.....Respondents

By Advocate : Shri B.K. Sinha.

O R D E R [Oral]

16.11.2011

Justice Syed Md. Mahfooz Alam, M [J] - The applicant, V.K. Sahay who was Vice Chairman, Railway Claims Tribunal, Kolkata, has filed this OA challenging the order dated 31.12.2004 as well the order dated 24.08.2004 passed by respondent No. 1 whereby the claim of the applicant regarding grant of composite transfer allowances has been rejected.

2. Heard Shri M.P. Dixit, the learned counsel appearing on behalf of the applicant and Shri B.K. Sinha, the learned counsel for the respondents.
3. The learned counsel for the applicant submitted that the applicant

while being posted as Vice Chairman, Railway Claims Tribunal, Kolkata, vide order dated 21.07.2004 was posted to look after the current duties of the post of Chairman, Railway Claims Tribunal, Principal Bench, New Delhi, and accordingly, the applicant assumed the charge of the post of Chairman, Railway Claims Tribunal, Principal Bench, New Delhi. He remained there for about two and half months till the new chairman was posted. He submitted that the applicant claimed Transfer TA and submitted TA bill accordingly, but by the impugned order dated 31.12.2004 [Annexure A/7 of OA], his claims for composite transfer grant allowances was rejected, and so he has come before this Tribunal.

4. During the course of arguments, the learned counsel for the applicant drew our attention towards Annexure A/1, A/3 and A/4 of the OA. We have perused all the Annexures. Annexure A/1 is the order dated 02.06.2004 whereby the applicant, V.K. Sahay, Vice Chairman [Technical], Railway Claims Tribunal, Kolkata was directed [detailed] to look after the current duties of the post of Chairman, Railway Claims Tribunal [RCT] vice Shri M.S.S. Siddiqui. The order was issued keeping the post of Vice Chairman [Technical] RCT, Kolkata vacant. This is the impugned order whereby the applicant was posted at RCT, Principal Bench, New Delhi as Chairman. This order does not speak that the applicant was transferred to Principal Bench, rather the same speaks that it was simply a temporary arrangement for disposing of the routine day to day work of non-statutory nature. Thus, we are of the view that the contention of the applicant that since he was transferred from Kolkata to Delhi and as such he was

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entitled for Transfer Grant Allowances applicable to an employee who has been transferred from one place to other is not acceptable. However, we are of the view that as per rules, at least Daily Allowances [DA] is admissible to the applicant at the rate prevailing at the relevant time.

5. Under the circumstances, we dispose of this OA directing the authority to scrutinize the T.A claims of the applicant, and if any amount is admissible towards DA etc., then, the same may be paid to the applicant as early as possible. It is further directed that the authority shall pass reasoned order in this regard within a period of two months from the date of receipt/production of copy of this order. No order as to costs.

Naresh Gupta
[Naresh Gupta] M [A]

/cbs/

Syed Md. Mahfooz Alam
[Syed Md. Mahfooz Alam] M [J]