

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:113/2000
DATED THE 7th DAY OF NOV. 2000

CORAM:HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

Shri R.A.Chowdhary,
Chetak-6, TAPP-364,
P.O.:T.A.P.P.,
Via Boisar, District Thane,
Maharashtra - 401504

... Applicant.

By Advocate Shri K.R.Yelwe

V/s.

1. Union of India,
Through the Secretary,
Department of Atomic Energy,
Anushakti Bhawan, C.S.M.Marg,
Bombay - 400 039.

2. The Project Director,
Nuclear Power Corporation of India Ltd,
Tarapur Atomic Power Project-
364, P.O.: TAPP,
District-Thane, Maharashtra-401504.

... Respondents.

By Advocate Shri V.D.Vadhavkar for
Shri M.I.Sethna

(O R A L) (O R D E R)

Per Smt.Shanta Shastri, Member(A).

The only short point for consideration in this case is whether the applicant is entitled to TA and other expenses for attending the summons of Court in Rajasthan in a case of complaint lodged by the applicant in his personal capacity.

2. The applicant is working on deputation in the Nuclear Power Corporation at Tarapur Atomic Power Project (TAPP). The applicant was summoned to give evidence in favour of the State

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Government of Rajasthan as Government witness on 20/4/98 by the Special Court, Pratap Garh, Chittoor. The Applicant applied for Special Casual Leave on 11/6/98 on official tour for the period from 22/6/98 to 27/6/98 before attending the Special Court. The applicant attended the Court on 24/6/98 as per the summons. The applicant thereafter applied to pay him TA/DA vide his bill dated 13/7/98 to Respondent No.2. However, the same was not allowed. The special casual leave applied for was also rejected. The Special Court has issued a certificate that the applicant attended the Court and he was not paid any TA/DA by the Special Court as per Section 2(1) of the Civil Procedure Rules.

3. It is the contention of the applicant that he is entitled to payment of TA/DA according to the SC/ST (Prevention of Atrocities) Act 1989, Section 21(2)(ii) ^{which} states that

"State Government has to take such measures as may be necessary for the implementation of the Act. Such measures may include necessary provision of payment for attending summons during investigation and trial of witnesses/evidences in the Court."// The applicant is therefore claiming the TA/DA accordingly.

4. The respondents in their written statement have taken the preliminary objection that so far Respondent No.2, the Nuclear Power Corporation has not been notified and this Tribunal has no jurisdiction in the matter. On merits the respondents have taken the stand that the matter in which the applicant had to appear as witness in Rajasthan has nothing to do with Respondents and nothing to do with the official capacity of the applicant and therefore the respondents had not sanctioned the special casual leave as requested by the Applicant and for the same reason, the

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respondents have refused the payment of TA/DA to the applicant as the entire thing is in his personal capacity.

5. I have heard both the learned counsel for the applicant as well as the respondents. As far as the issue of jurisdiction is concerned, in regard to Respondent No.2, the applicant is basically a Government servant who is on deputation to Nuclear Power Corporation. As such, I consider that this Court has jurisdiction in the matter. As regards the payment of TA/DA to the Applicant for attending the Special Court at Pratap Garh, Chittoor is concerned, I am satisfied that the Respondents are not required to pay TA/DA in this case as the Applicant has attended the Special Court purely in his personal capacity. The Provision of SC/ST (Prevention of Atrocities Act) casts the responsibility on the State Government concerned to make payment of TA/DA to the persons summoned as witness. ~~Since~~^{As} the applicant was giving evidence in favour of the State Government.

6. In the facts and circumstances of the case, the application is devoid of merit and is accordingly dismissed. I however do not order any costs.

Shanta Shastri

(SHANTA SHASTRY)
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
RA No.79/2000 in OA No.113/2000
DATED THE 9th DAY OF JAN. 2001

CORAM:HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

R.A.Chowdhary

... Petitioner

V/s.

Union of India & Anr.

... Respondents

TRIBUNAL'S ORDER:-

The Applicant is aggrieved by the order dated 7/11/2000 in OA No.113/2000 and has therefore sought a review of the same. The applicant contends that the Tribunal has ignored the sub-rule (i) of Rule No.154 of Supplementary Rules of Government of India. The applicant had given evidence for the State Government of Rajasthan. The applicant has also tried to explain the definition of State. The applicant has given a few details of the case for which he was summoned to give evidence.

2. I have gone through the grounds and the rules pointed out by way of Review Application. It is seen from the few details given by the applicant which were not given earlier that the applicant himself filed a complaint before the Hon'ble Civil Justice (J.D.) & Muncif Judicial Court, Rawatbhata. According to me this was a private complaint and it had nothing to do with his performance of official duties. The applicant has only tried to reargue the case.

3. In my considered opinion therefore this case does not call for any review. Accordingly, the RP is rejected.

Shanta
(SHANTA SHASTRY)
MEMBER(A)