

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 298 of 2001

Dated this Wednesday the 13th day of February 2002.

K. Janardhanan Applicant.

(By Adv. Shri M.S. Ramamurthy) Advocate for the  
Applicant.

VERSUS

Union of India & ors - Respondents.

(By Adv. Shri V.S. Masurkar) Advocate for the  
Respondents.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

(i) To be referred to the Reporter or not ?

(ii) Whether it needs to be circulated to other  
Benches of the Tribunal ?

(iii) Library.

} No

B. N. BAHADUR  
MEMBER (A)

mb\*

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Dated this Wednesday the 13<sup>th</sup> day of February, 2002

Coram: Hon'ble Mr.B.N.Bahadur - Member (A)

O.A.No.298 of 2001

K.Janardhanan,  
Junior Design Officer,  
Ship Building Centre,  
North Yard Complex,  
Visakhapatnam (A.P.)  
(By Advocate Shri M.S.Ramamurthy)

- Applicant

Versus

1. Union of India  
through the Secretary,  
Ministry of Defence,  
South Block,  
New Delhi.
2. The Chief of Naval Staff  
Naval Headquarters,  
Ministry of Defence,  
South Block,  
New Delhi - 110 001.
3. Director,  
Civilian Personnel,  
Sena Bhawan, First Floor,  
'D' Block, New Delhi.
4. The Admiral Superintendent,  
Naval Dockyard,  
Lion Gate, S.B.S.Marg,  
Mumbai - 400 001.
5. The Material Superintendent,  
Materials Organisation,  
Ghatkopar, Mumbai.
6. The Garrison Engineer,  
(Barrack Stores Officer)  
Military Engineering Services,  
Bhandup, Mumbai.  
(By Advocate Shri V.S.Masurkar)

- Respondents

O R D E R

The applicant in this case seeks a declaration from this  
Tribunal to the effect that the respondents are liable to pay him



...2/-

proper TA/DA, in the post of Chief Draughtsman on his transfer from Mumbai to Vishakapatnam. A number of reliefs had been sought as detailed in Para 8 of the OA. However, at the start of the arguments on behalf of the applicant, his learned counsel stated that the only relief now surviving is the relief as sought at para 8 (a). Para 8 (a) reads as follows:-

(a) that this Hon'ble Tribunal be pleased to hold and declare that the Respondents are liable to pay the Applicant the proper TA/DA in the post of Chief Draughtsman on his transfer from Mumbai to Visakhapatnam.

2. The relevant facts of the case are in a short compass, in that the applicant who is working in Indian Navy and posted at Mumbai was transferred to New Delhi in 1998. At that time he was occupying the government quarters allotted to him in Mumbai. The applicant was again transferred to Mumbai as Chief Draughtsman in November, 1999 and after promotion was posted to Ship Building Centre, Visakhapatnam in May, 2000. The applicant states that on his transfer to New Delhi in November, 1998 he made a request for retention of present quarters on educational grounds till the end of March, 2000.

3. The applicant states that he has paid whatever rent bills have been raised against him. Be that as it may, the present grievance of the applicant is that he has not been paid proper advance TA which he asked for, upon his transfer to Visakhapatnam. It was argued by learned counsel Shri M.S.Ramamurthy that the applicant has only been provided with advance of Rs.20,400/- whereas the entitled amount would come around 43,000/-.

4. The respondents have filed a reply statement where the substantial ground taken is that the advances of TA/DA is calculated on the basis of actual pay drawn at the time of transfer and that the amount calculated on such basis was paid to him i.e. an amount of Rs.20,400/- on the basis of actual pay drawn by the applicant on 6.6.2000. Hence it is contended that the advance had been paid properly. It is further contended that the pay fixation at a higher stage i.e. at Rs.8100/-was made after some months of his transfer from the office of respondent no.5 albeit with retrospective effect. The difference can be claimed at the relevant time from the present unit of applicant.

5. I have heard Shri M.S.Ramamurthy, learned counsel for the applicant and Shri V.S. Masurkar, learned counsel for respondents. As already stated learned counsel Shri Ramamurthy stated that the case was now pursued in this OA only for proper payment of advance TA. The applicant had carried out the transfer. Shri Ramamurthy took me to Para 15 at page 30 which is part of the written statement of the respondents to make out the facts as already recorded in the gist above and stated that since the pay of the applicant was fixed at Rs.8100/- the amount of TA/DA entitled was higher, and the balance TA amount should be immediately paid.

6. The learned counsel Shri Masurkar depended upon Paras 13 and 15 of the written statement which has been carefully gone through and indeed the salient points of their substantial contentions has been recorded above.

7. I have carefully considered the matter, which is indeed in a very short compass. It must be stated that the applicant has come up seeking the relief that cannot be granted in the manner asked for by paying more advance TA. The reason for this is simple. The core fact is that the pay of the applicant was revived upward after his transfer had been effected albeit with retrospective effect. So while he came to be earning a lower salary at the actual point of transfer, the order revising his salary upwards came late, as happens very often in government. Obviously, there was nothing irregular in the respondents having calculated the advance of TA payable to him as per the salary he was receiving at that particular stage as per their record. Certainly they could not have assumed a higher pay even if it was known to be eligible without the orders of the Government which came in later. This would be an accounting irregularity. In any case it is presumed that the applicant will not be ultimately put to loss though he may have had some temporary inconvenience and would have been in a better financial position with higher advance. The matter will clear itself once the final bills are settled.

8. In the circumstances, no interference is called for on the merits of the case. This OA is therefore dismissed without any order as to costs.

*B Bahadur*

(B.N.Bahadur) 13/02/2002  
Member (A)

mb

*dt 13/2/02*  
order/Judgement despatched  
to Applicant/Respondent (s)  
on 13/2/02

*N*