

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

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

Dated this the 24th day of January, 2001

O.A.561 of 2001

Karpurapu Vara Prasadrao,  
aged 50 years,  
r/o Type 'C' 1206,  
Nehru Nagar,  
Nashik Road - 422 101  
(Shri Karpurapu Vara Prasadrao (Self) - Applicant

VERSUS

Union of India  
through the General Manager,  
India Security Press,  
Nashik Road - 422 101.  
(By Advocate Shri V.S.Masurkar) - Respondent

ORAL ORDER

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

The applicant, in this OA comes up before this Tribunal seeking relief as follows:-

" This Hon'ble Tribunal pleased to direct the the respondent to refund the amount Rs.2700/- which was recovered from the applicant's salary for the month of March and same may please be deposited from his personal money, since the applicant is innocent and acted as faithfully as possible to the orders passed by this Hon'ble CAT since 28.1.1994. Rules are expected to be known by the employer and not the employee. If the applicant was told to refund the money he would have deposited on Saturday and still if he feels he would have filed case with his money.

(2) The TA/DA received by the applicant was not spend for the personal purpose but filed PIL with public money and also informed to the Respondent by letter dated 7.2.2001, which proves the bonafide action of the applicant. Therefore, this Hon'ble Court pleased to impose the exemplary costs on the respondent for misusing the public power for public good.

(3) Any other relief as deem fit and proper to the applicant be awarded."

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2. Heard Shri K.V.Prasadrao who appears in person and Shri V.S.Masurkar who appears on behalf of the respondents. At the outset it must be stated as indeed pointed out by Shri Prasadrao that on the last date of hearing, the applicant had filed MP 971 of 2001 through which he had made a prayer as follows:-

"Hence it is humbly prayed by the applicant in the interest of justice this Hon'ble Tribunal pleased to direct the respondent to produce the copy of the letter dated 1.2.2001 submitted by the applicant and after perusal of the report in this regard this Hon'ble Tribunal pleased to direct the respondent to ensure sanction of leave by the concerned authority "or" by himself as the applicant bonafidely acted right from the day of dismissal of OA 663/92 on 28.1.94."

3. Since this was not a part of the OA he was allowed to amend the OA through another MP. The applicant has today however filed MP 62/01 on 18.1.2002 and states in MP and also reiterates in the argument today that in the interest of justice this Tribunal should dispose of this present OA today i.e. 24.1.2002 without further adjournment. In fact, the applicant states in argument that he is now not pressing the other relief as made in MP 971 of 2001.

4. I have considered the papers in the case, heard the applicant in person and Shri V.S.Masurkar for the respondents. It may first be recalled that the issue and facts are in a short compass, in that the applicant seeks a direction to the respondents to refund the amount of Rs.2700/- which was recovered from his salary for the month of March, 2001. The facts are that the applicant was provided with the aforesaid sum as TA Advance as he had been called for personal hearing by the Joint Secretary of the Government of India, (Ministry of Finance).

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This fact is also set out in the respondents' written statement. The applicant was accordingly to proceed to New Delhi for the hearing.

5. The applicant stated before me today that he had also asked the respondents' office at Nashik to provide him with some material which he required for appearing in New Delhi. He stated that this is described in the copy of the letter at page 11. His argument was that since he did not receive this material in time he did not proceed to Delhi. In fact in Para VIII (2) he states that he spent the money to file PIL and attempts to justify it. This point was reiterated by him in argument today.

6. The respondents have filed written statement in reply in which the relevant part of their stand is as stated in Para 13. Since the total position and stand of the respondents is contained in this Para and since this was depended upon by learned counsel Shri Masurkar for his argument, this paragraph is being reproduced below:-

"13. With reference to Para 1 the respondent say that in compliance of the orders of the Central Administrative Tribunal in Original Application No.566 of 2000 filed by the applicant against CNP the Joint Secretary, Ministry of Finance, issued a notice to the applicant to appear before him on 29.1.2001 at 11.00 am for a personal hearing. With a view to enable the applicant to appear before the Joint Secretary, he was granted with an advance of Rs.2,700/- (Rs.Two Thousand Seven Hundred Only) towards TA/DA vide Bill No.188/E dated 22.1.2001, which was drawn by him on 24.1.2001. Since the applicant did not undertake the tour, he was required to refund the said amount of Rs.2,700/immediately. The Respondent further states that in accordance with the rprovisions of Rule 234 of the General Financial Rules, 1963, the amount of advance shall be adjusted within 15 days from the completion of the tour or the date on which the Government Servant resumes duty after completion of tour. The Respondent respectfully states that the applicant did not undertake any tour as was required and he misused the Government money for his personal interest. This attitude of the applicant only indicates his high

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handedness and utter disregard to the service rules. Since the applicant failed to refund the said amount of Rs.2700, he was advised [vide Memo No.20158/ISP/Acctt./Estt. dated 10.3.2001] to submit the final TA claim or refund the amount of Rs.2700. Despite this, the applicant did not refund the amount. Thus, the said amount was recovered through his salary for the month of March, 2001. The respondent further states that since the applicant failed to appear before the Joint Secretary in accordance with the directions of the Hon'ble Tribunal, the Joint Secretary considered the appeal made by the applicant and vide his orders dated 2.2.2001, rejected the appeal and confirmed the penalty imposed by the disciplinary authority on the applicant. A copy of the order dated 2.2.2001 issued by the Joint Secretary as Appellate Authority was sent to the applicant but he refused to accept it which fact has been admitted by the petitioner himself.. Annexed herewith and marked Exhibit R-1 is a copy of the said order dated 2.2.2001. The Respondent further states that since the applicant was called by the Joint Secretary, the said tour of the applicant was termed as official tour and there was no question of granting him any kind of leave. Thus, the averments have no relevance and do not bear any substance."

7. The applicant also referred to the facts made out in the application to the General Manager, I.S.P. & C.N.P., Nashik (on pages 10 & 11). In fact he gave the background of the other cases which he has been pursuing in other Courts and Tribunals and the grievance he has against the Administration and the harassment has been caused ever since 1994. However these points are not relevant to the issue in consideration today.

8. After going through the entire papers in the case and considering the arguments made on both sides, it is clear that the question to be decided in the present OA today is simple, in that it has to be decided whether the respondents action in recovering the amount of Rs.2700/- granted as TA Advance is correct or not. It is an admitted position that this advance of TA was granted to the applicant to proceed to New Delhi to be heard in the Ministry

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of Finance and that this journey was reckoned to be official. It is admitted by the applicant that he did not proceed to New Delhi. He justifies it by stating that he did not get enough material and he was aggrieved and had filed a criminal case. I am not aware of the criminal case etc. I, however note that in the OA itself at Para 8.2 it has been stated that the DA received by the applicant was not spent for personal purpose but for filing PIL with public money and that he had informed the respondents about this. The stand of the respondents on the other hand is that the amount of advance was provided for specific purpose and that Rule 2 (3) (iv) of General Financial Rules, 1963 enjoins the applicant to return the amount within 15 days or adjust it against expenses of tour. Under the circumstances that the journey was admittedly not performed and the rules provide for such recovery, this Tribunal cannot find any flaw in the action taken by the respondents. It is also stated by the respondents that he had been advised vide Memo dated 10.2.2001 to submit his final TA claim or refund the amount of Rs.2700/- and since this was not done, the said amount was recovered from the salary for the month of March, 2001. Therefore, even the recovery by way of adjustment from the salary cannot be faulted. The stand taken by the applicant that he has been caused injustice and that he had to use public money to redress his grievances before appropriate forums cannot be taken to substantiate his claim that it should not be refunded. If he has any grievance, it is open for him to

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take redressal according to law but that does not entitle him to use money given as TA Advance for any other purpose. TA Advance given for performing official transfer has to be used for the said purpose only. Any other grievance not connected with the present OA cannot be brought in here as this will be irrelevant. Hence in view of the above position of fact and rules, I do not find any flaw in the action of the respondents in recovery of the aforesaid amount. Therefore no interference is called for.

[9. In view of the discussion above, this OA is hereby dismissed with no order as to costs.

*B.N. Bahadur*

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(B.N. Bahadur)  
Member (A)

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