

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 880/2001

Date of Decision: 05.8.2002

Bansraj L. Naik

Applicant(s)

Shri D. Watharkar

Advocate for Applicant

Versus

Union of India & Ors.

Respondents

Shri V.D. Vadhavkar.

Advocate for Respondents

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

1. To be referred to the reporter or not? ☒
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library. ☒

*Shanta S*

(SMT. SHANTA SHASTRY)  
MEMBER (A)

Gajan

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO.880/2001

THIS THE 05TH DAY OF AUGUST, 2002

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

Bansraj L. Naik,  
Indian inhabitant, Adult,  
Occ: Service, Residing at  
C/49/402 Sector 8, Shanti Nagar,  
Mira Road, Dist. Thane. .. Applicant

By Advocate Shri D. Watharkar.

Versus

1. Secretary, Govt. of India,  
Ministry of Information Technology,  
New Delhi.
2. P.H. Bhawe, Sr. Director,  
ERTL (W), Andheri (E),  
Mumbai.
3. Smt. L.N. Maller,  
Joint Director (Admn),  
ETDC, Bangalore. .. Respondents

By Advocate Shri V.D. Vadhavkar.

ORDER (ORAL)

The applicant is aggrieved that he has not been given the actual amount that he has spent on his tour programme. The applicant was directed to visit New Delhi in connection with official work. He was granted an advance of Rs. 4000/- for the tour to Delhi. This was on 11.5.2000. On his return from the tour the applicant submitted details of expenditure incurred by him and claimed an amount of Rs.3970/-. As against this claim, the respondents have paid him Rs.2720/-. According to the applicant, without considering the details merits and genuineness of the claim and without

following any procedure of law. The respondents threatened that they would deduct all the amount of advance from his salary. The applicant tried to bring the facts and details of tour to the respondents through advocate's notice dated 22.6.2001. The respondents have replied the same on 29.6.2001 pointing out that the applicant had refused to accept the amount. On 02.4.2001 the respondents directed the office to deduct the whole amount from the salary of the applicant from the month of April, 2001 onwards. According to the applicant this action of the respondents is high handed, arbitrary, illegal and deserves to be rejected in toto. The applicant therefore, preferred this OA against the order of deduction of the said amount.

2. The applicant submits that in respect of item No.10 he had quoted the ticket number because he has to surrender the ticket at Mumbai CST. In spite of that the respondents allowed Rs.200/- less than what he claimed. Similarly in other items also in the same manner, the claim has been reduced by Rs.50/- Rs.100/- and so on. According to the applicant, the claim submitted by him is the genuine claim and he has demanded only what he has actually spent and the respondents do not appear to have applied their mind. He also prays for full amount claimed by him. The applicant was given an amount of Rs.4000/- as advance.

3. The respondents have justified their action by stating that the applicant's claim was examined properly and whatever reasonable payments were there, have been made. The respondents have given a statement on pages 23 and 24 to the reply, wherein they have given the reasons for restricting the claim against each of the item. Further, the respondents have also produced a similar claim in respect of another person namely Shri V.S. Kardam, which had been examined similarly for the same item, which the applicant had carried to Delhi and the expenditure claimed was only of Rs.2062/-. The respondents have compared the two claims and have restricted the claim of the present applicant to the amount which was allowed in the case of Shri Kardam. A comparative study was made of the expenditure incurred against various items. It is seen that the claim of coolie charges by Shri Kardam was Rs.280/-; whereas in the case of the applicant it is shown as Rs.350/-. Similarly, the luggage booking charges is shown as Rs.330/-; whereas the applicant has claimed Rs.530/-. Moreover, Shri Kardam had submitted the receipt for the same. Even for a telephone discussion, he has submitted a receipt. Whereas in the case of the applicant, even without a receipt the telephone expenditure claim has been accepted as it is. In case of coolie charges if the respondents were to go by the Railway Tariff then the applicant could not have been entitled to even what has been allowed. In fact, it is on the higher side,

considering normally the coolies charge higher than the rates prescribed.

4. There is no denial by the applicant that the item which was carried by Shri Kardam was the same as the one carried by the applicant. Therefore, a comparison with the expenditure incurred by the applicant with that of incurred by Shri Kardam is quite reasonable. The applicant has not been able to produce any receipt for the luggage booking charge and therefore, the item being the same, I have to accept what was allowed to Shri Kardam who has produced the actual receipt, was allowed to the applicant also. I therefore, find on comparison that the respondents have been quite reasonable in paying the applicant whatever was admissible. Therefore, the claim has rightly been restricted to Rs.2720/-.

5. The applicant has questioned the threat given by the respondents for deducting the advance amount of Rs.4000/- from his salary bill. Perhaps, the respondents could have worded it more softly. However, it is found that inspite of the fact that the respondents offered to pay him what was admissible, the applicant had refused to take the payment. The advance amount is required to be adjusted against the actual expenses and therefore, there is nothing wrong if the respondents decided to deduct the amount of advance paid

to the applicant when the applicant refused to take the amount offered to him as admissible to him. It is seen further from the record that even as on 17.7.2002 when the matter had come up for hearing the applicant had refused to take amount of Rs.2720/- towards settlement of his claim. It is only after the direction of this Tribunal that the applicant finally seems to have accepted the amount and therefore, the respondents cannot be blamed if the advance was deducted from his salary.

6. In the facts and circumstances of the case, I do not find any merit in the OA and the same is dismissed accordingly without any order as to costs.

*Shanta S-*  
(SMT. SHANTA SHASTRY)  
MEMBER (A)

Gajan