

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 346/91

Transfer Application No:

DATE OF DECISION 31-3-94

Shri M.J.Kulkarni, Solapur Petitioner

Shri M.A.Mahalle Advocate for the Petitioners

Versus

Union of India and Ors. Respondent

Shri P.M.Pradhan Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri N.K.Verma, Member(A)

The Hon'ble Shri

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?


(N.K.Verma)
Member(A)

(b)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. No. 346/91

Shri M. J. Kulkarni
Solapur - 413 004.

.... Applicant

Vs.

Union of India & Ors.

.... Respondents.

CORAM : Hon'ble Shri N. K. Verma, Member (A)

Appearance :

Shri M. A. Mahalle, counsel
for the Applicant.

Shri P. M. Pradhan, counsel
for the Respondents.

ORAL JUDGMENT

Dated : 31.3.1994

Hon'ble Shri N. K. Verma, Member (A)

Shri M. A. Mahalle learned counsel for the applicant submitted that the applicant while working as Inspector of Central Excise, Solapur made a claim of Rs. 1170/- for performing journey within the jurisdiction of the headquarters at Solapur for which he was entitled to Rs. 130/- per month as a conveyance allowance. He has also prayed for payment of interest at the rate of 11% thereon as the rejection of the claim was without any grounds. ~~Delayed~~, the Collector's order rejecting the claim was not a speaking order and hence not tenable. The Collector at Annexure R-1 simply conveyed to the applicant that the representation of the applicant for grant of conveyance allowance was rejected after careful consideration. It did not say that the conditions

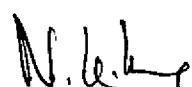
N. K. Verma

referred to under S.R. 25 were fulfilled or not before coming to the conclusion that the claim was not tenable. During the course of arguments learned counsel for the respondents stated that the Collector was competent authority in rejecting the claim at his discretion, as according to the Collector the claim was not tenable under S.R. 25. However, the learned counsel for the respondents was not able to specify the grounds on which the claim was not tenable to fulfill the conditions stipulated under F.R. 25.

I have given careful consideration to the entire pleadings and arguments. Undeniably the conveyance allowance is a facility granted by the Government to field staff who are required to make frequent visits within the headquarters jurisdictions of their station of posting for which they are not entitled to any daily allowance for travelling allowance. This is an amount for ~~covering~~ the expenditure incurred by the employee within the city limit or a Municipal limits of the Headquarters for which a minimum of 200 Kms of journey had been stipulated per month. The respondents have never denied that the applicant had not performed a minimum of 200 kms journeys within the headquarter station per month. If the claim was rejected on the ground of non-fulfilment of this minimum

conditions of Kms, the same should have been verified and rejection communicated through of a speaking order. I do not find any reason cogent enough for the rejection of claim by the competent authority. No pleadings have been made by the respondents even in this O.A. to support ~~the~~ rejection on bonafide grounds except that of discretion. Exercise of discretionary ~~points~~ ^{form} however has to be within ^{the} the four walls of fairplay and proper application of mind. Discretion can not be exercised in grossly arbitrary manner and on whims and fancy of the competent authority. This is ~~abuse~~ ^{use} of arbitrary rejection of a claim without assigning any reasons. The O.A. is therefore allowed with the directions that the entire amount will be paid with the interest of 11% per month within a period of 3 months from the date of receipt of this order.

There will be no order as to costs.


(N. K. Verma)
Member (A)