

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

Dated:- 22 AUG 1994

APPLICATION NUMBER:

174/1994

APPLICANTS:

RESPONDENTS:

Sri. Honappa vs Secretary, Kp. Agriculture, Belkand  
to. Other

① Sri. A R. Hella, Advocate  
No. 3, II Floor, Lenses  
Supatha Complex, Gandhinagar,  
BANGALORE-560009

② Sri. N. S. Padmarajah,  
Sr. CGSC, High Court Bldg,  
BANGALORE-560001

Subject:- Forwarding of copies of the Orders passed by the  
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/  
~~STAY ORDER/INTERIM ORDER~~/, passed by this Tribunal in the above  
mentioned application(s) on 01-08-94

Issued on

23/8/94

R.

of

for S. Shanmugam 248  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 174 OF 1994

MONDAY, THIS THE 1ST DAY OF AUGUST, 1994.

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

Mr. T.V. Ramanan, ... Member(A)

Honnappa,  
S/o Channaiah,  
Aged 48 years, residing at  
Beerayyanapalya,  
Kanaswadi Post,  
Doddaballapur Taluk,  
Bangalore District.

.. Applicant.

(By Advocate Shri A.R. Holla)

v.

1. Union of India by its  
Secretary, Department of Animal  
Husbandry and Dairying,  
Ministry of Agriculture,  
Krishi Bhavan, New Delhi-110 001.

2. Director,  
Central Cattle Breeding Farm,  
Hessarghatta,  
Bangalore-560 088.

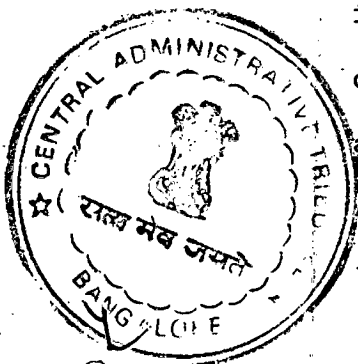
.. Respondents.

(By Standig Counsel Shri M.S. Padmarajaiah)

ORDER

Mr. T.V. Ramanan, Member(A):

We have heard the learned counsel for the applicant and the learned Senior Standing Counsel appearing for the respondents. What the applicant has claimed is that he had the right to exercise the option either for Over Time Allowance ('OTA') or Daily Allowance ('DA') for the overtime work done by him in terms of Note 10 below Rule 26 of the Staff Car Rules and consistently applied for OTA which was denied to him with an advice by the respondents to claim DA instead. A perusal of Annexure-A4 dated 27-11-1991 shows that respondent-2 had pleaded that it was not possible to pay OTA for want of funds under



-4-

OTA special sub-head and that the applicant should claim instead TA/DA as per Rules. Similarly an office order issued by respondent-2 dated 23-12-1991 as at Annexure-A6 mentions it was not possible to pay OTA and that the applicant should make a claim for DA. All the claims of the applicant for OTA were also returned in original along with the said letter. Yet another order issued by respondent-2 as at Annexure-A7 reveals that in spite of repeated requests made by respondent-2, apparently to the higher authorities, no allocation had been made under the OTA sub-head. The applicant was, therefore, advised to prefer in lieu a claim for DA for the overtime work done by him. What therefore shows is that despite the statutory provision contained under which an option is available under Note-10 of Rule 26 the same was not extended. Note-10 thereof reads-

"A driver who performs a local journey or journey on tour in a staff car in his charge, may draw travelling allowance under ordinary rules as admissible to other Central Government Employees if the journey does not involve the absence of one night from his headquarters. But, the drawal of T.A. by staff car drivers for the journey mentioned above will be subject to the condition that no O.T.A. would be payable for the period with reference to which D.A. has been drawn. The drivers will however, have the option to draw either O.T.A. or D.A. on any day on which such journeys have been performed."

Although the applicant wanted to exercise the option for payment of OTA he has been advised all the time that for lack of funds he will have to make a claim only for DA.

2. The learned Standing Counsel admits that the provision contained in the Rules referred to above as regards the option has not been amended so far. Therefore, the statutory provision must prevail over any administrative instructions issued by the Government.

3. In sum, we find that the applicant has a legitimate claim for payment of OTA as he has opted for OTA. We find that the period involved during which overtime work was performed

relates to the year 1991 onwards. We allow this application and direct the applicant to make claims by exercising the option as provided under Note 10 of Rule 26 of the Staff Car Rules. The option so exercised by the applicant shall be admitted by the respondents and payment made accordingly. Further, the period for which no payment either in the form of OTA or DA has been received by the applicant shall only be admitted. If respondent-2 does not have sufficient funds, he should be in a position to get the funds sanctioned to the extent of the claim to be made by the applicant. The applicant herein shall make his claim for the period for which he has not received either OTA or DA from the year 1991 onwards within a period of 15 days from the date of this order. Such claims shall be considered by respondent-2 and payments made within a period of three months thereafter.

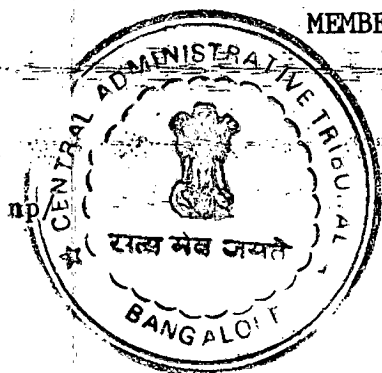
4. This application is disposed of accordingly. No order as to costs.

Sd-

Sd-

MEMBER(A)

VICE-CHAIRMAN.



TRUE COPY

*[Signature]*

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: 25 JAN 1995

Miscellaneous APPLICATION NO: 42/95 in CA No. 174/94.

APPLICANTS:- Mr. Honnappa,  
V/S.

RESPONDENTS:- Secretary, D/o. Animal Husbandry, and  
Dairying, New Belhi and another.

To.

- ①. Sri. M. S. Padmarajaiah,  
Sr. Central Govt Stng. Counsel,  
High Court Bldg, Bangalore-1.
- ②. Sri. A. R. Holla, Advocate,  
No. 3, 2nd Floor, 1st cross  
Sujatha Complex, Gandhinagar,  
Bangalore-560009

Subject:- Forwarding of copies of the Order passed by the  
Central Administrative Tribunal, Bangalore.

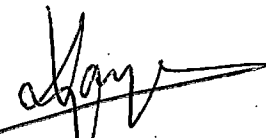
--xx--

Please find enclosed herewith a copy of the ORDER/  
~~STAY ORDER/INTERIM ORDER/~~ passed by this Tribunal in the above  
mentioned application(s) on 19-01-95

Issued on  
25/01/95

R.

9/c

for   
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

Homappa 1/2 Secretary, D/o A Hand Dairying, N Delhi

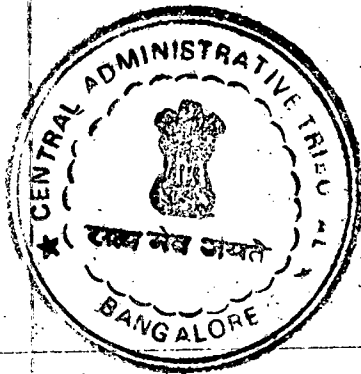
Date	Office Notes	Orders of Tribunal
------	--------------	--------------------

Orders on MA 42/95.

VR(MA)/ANV(MS)  
19/11/95.

Heard.

MA 42/95 seeking extension of time for a period of three months from 15.11.94 is allowed and the time is accordingly extended.



TRUE COPY

Section Officer

Central Administrative Tribunal

Bangalore Bench

Bangalore

Sd-

19/11/95

M(S)

Sd-

N

M(A)