

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 28 SEP 1994

APPLICATION NO: 822 of 1994.

APPLICANTS:- Sri.C.Govinda Rao,

v/s.

RESPONDENTS:- The Local Audit Officer(Air Force),
Bangalore and three Others.

To

1. Dr.M.S.Nagaraja, Advocate,
No.11, Second Floor,
First Cross, Gandhinagar,
Bangalore-560 009.
2. Sri.G.Shanthappa,
Addl.Central Govt,Stng.Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 13th September, 1994.

Issued on

29/9/94 B

9c

SC Shanthappa
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.822/1994

TUESDAY, THIS THE 13TH DAY OF SEPTEMBER, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN .. MEMBER (A)

Sri C. Govinda Rao,
Aged 55 years,
S/o Late Sri C. Bhujanga Rao,
77/1, (First Floor), 2nd Main,
III Block, T.Nagar,
Bangalore - 560 028. ... Applicant

(By Advocate Dr. M.S. Nagaraja)

Vs.

1. The Local Audit Officer (Air Force),
26 ED (AF), HAL,
Bangalore-560 017.
2. The Controller of Defence Acconts (Air Force),
107, Rajpur Road, Dehradun (U.P.) 248001.
3. The Controller General of Defence Accounts,
No.V, West Block, R.K. Puram,
New Delhi - 110 066.
4. The Union of India,
represented by Secretary to Govt. of India,
Ministry of Defence, South Block,
New Delhi - 110 001. ... Respondents

(By Advocate Shri G. Shanthappa,
Central Govt. Addl. Stg. Counsel).

O R D E R

Shri Justice P.K. Shyamsundar, Vice Chairman :

We have heard both sides and are surprised that there is a litigation on a matter like admissibility of claim for Daily Allowance and Mileage allowance for local journeys. Admittedly, the situation is totally covered by O.M. No.19030/1/76-E IV(B), dated 30.1.1978, issued by the Ministry of Finance, Department of Expenditure. We need only adumbrate in particular to paras 2(b)



and 2(d). They read as follows:

"(b) Calculation of daily allowance.

Daily allowance for fraction of a day occurring during absence from headquarters (other than local journeys) will be calculated as under:-

| | |
|---|--------------------------|
| (a) For absence not exceeding 6 hours. | Nil |
| (b) for absence exceeding 6 hours but not exceeding 12 hours. | 70% of the normal rates. |
| (c) for absence exceeding 12 hours | Full daily allowance. |

In the case of local journeys, daily allowance will be admissible at half the rates mentioned above."

"(d) Mileage and daily allowance in case of local journeys.

Travelling allowance for a local journey shall hereafter be admissible if the temporary place of duty is beyond 8 K.M. from the normal place of duty irrespective of whether the journey is performed by the Government servant from his residence or from the normal place of duty.

Daily allowance in respect of local journeys will be at the rates indicated in para 2(b) above. Journeys within the limits of an urban agglomeration within which a Government servant's headquarters are located will also be treated as local journeys."

Both the aforesaid paras, inter-alia, provide together for payment of daily allowance and mileage allowance in regard to travel to temporary place of duty from the residence of the concerned officer.

The aforesaid O.M. having laid down the requirements, the department appears to be scrupulously avoiding paying heed to the same. All that they need is to apply the relevant provision in the said O.M. and pay to the applicant admissible daily allowance and mileage allowance, if he has made the required journey.

2. Learned Counsel for the applicant tells that the said O.M. has not been replaced and the learned Standing Counsel for the Union of India also tells us that the O.M. referred to above

has not been repealed, struck down or altered in any manner.

In other words, the O.M. holds good even today. If that is so, the right of the party has to be regulated if the said O.M. is posing no problem in understanding and implementation. We also notice from the records that the daily allowance and mileage allowance to the applicant had been paid upto the end of 1991.

It is only thereafter the Govt. is refusing to continue the treatment meted out to him and there appears to be no plausible reason at all as to why it should not have the authority subsequently.

Hence, it is we allow this application. Annexure-A2 is quashed.

We direct the respondents to repay the amount if any, recovered from the applicant. There will be a direction to the Govt. of India to re-do the computation of road mileage and D.A. in accordance with the O.M. of 1978 referred to supra. Necessary computation to be done and payment due be made thereafter to the applicant within a period of two months from the date of receipt of a copy of this order. No costs.

Sd/-

(T.V. RAMANAN.)
MEMBER(A)

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

S. Srinivas
Section Officer 28/9
Central Administrative Tribunal
Bangalore Bench
Bangalore

