

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:- 28 MAR 1994

APPLICATION NUMBER: 364;466 to 468 of 1994.

APPLICANTS:

Sri.V.G.Kamatgi and 3 Others v/s. Chief General Manager, Telecom,
Te.

RESPONDENTS:

1. Sri.Madanmohan M. Khannur,
Advocate, No. 725, ESI Road,
Third Block, Manu Law Chambers,
Rajajinagar, Bangalore-10.
2. The Chief General Manager,
Karnataka Circle Telecom,
No.1, Old Madras Road,
Ulsoor, Bangalore-8.
3. Sri.M.S.Padmarajaiah,
Sr.Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-1.

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 18th March, 1994.

Issue
28/3/94
By
of

Se Shashikar
28/3
ftr DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

APPLICATIONS NUMBERS 364, 466 TO 468 OF 1994

FRIDAY THIS THE 18TH DAY OF MARCH, 1994.

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

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

1. V.G. Kamatgi,
S/o G. Kamatgi,
working as T.O.A.(TC) Grade-III
Office of the SSTT, Belgaum.
2. P.R. Kulkarni,
S/o K. Kulkarni,
working as ASTT Incharge,
Bagalkot.
3. K.H. Itagi,
S/o H. Itagi,
working as T.O.A(T) Grade-III,
C.T.O., Belgaum.
4. B.S. Siddalgi,
S/o S. Siddalgi,
working as T.O.A (TG) Gr.III. ... Applicants.

(By Advocate Shri Madanmohan M. Khannur)

v.

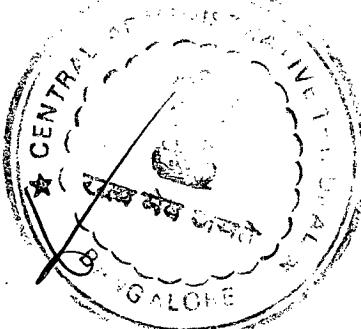
1. Chief General Manager,
Telecom, A.P. Section,
Ulsoor, Bangalore.
2. Senior Superintendent Telecom,
Traffic, T.T. Division, Belgaum.
3. The Superintendent,
Office of the C.T.O., Belguam.
4. Accounts Officer (Cash),
Office of the Chief General Manager,
Telecom, Karnataka Circle,
Bangalore.
5. The Accounts Officer (T.A),
Chief General Manager Telecom,
Bangalore-9. ... Respondents.

(By Standing Counsel Shri M.S. Padmarajaiah)

O R D E R

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

We heard these applications and propose to dispose off them now that we heard both sides and had the benefit of perusing



the pleadings. The four applicants are employees of the Government of India and their predicament primarily concern that children who are studying either in some polytechnic or junior colleges ~~receiving~~ ^{receiving} ~~remitting~~ instructions to the Pre-University course.

The parents' demand is that the tuition fee paid by them for their wards wherever they are studying is liable to be reimbursed in full and that claim is supposed to be based on instructions issued by the Government, Department of Personnel and Training with effect from 1-10-1988. However, the Union Government in opposition of these claims maintained that the claim for total reimbursement of tuition fee paid by the parents in full is inadmissible because under the Rules relied on by the applicants themselves, there is a limit for tuition fee to be reimbursable and that limit is what obtains in the matter of tuition fee prescribed in a Government owned or Government run institution, be it a polytechnic or a junior college imparting instructions to the two year Pre-University course. Reliance in this connection is placed, apart from the Government of India instructions which are referred to above, on a Government of Karnataka order produced at Annexure-R1 dated 28-8-1990 which refers to the scale of the fee chargeable in regard to polytechnics run by Government and private aided institutions. We are not concerned with the fee fixed for private aided institutions. But, what is relevant in that Government Order (Annexure-R1) produced by the Union Government is that fee payable in a Government polytechnic is Rs.180-00 per annum. So far as fee charged in Government run PUC colleges, the information supplied in the course of the reply statement filed by the Government of India at para 13 which mentions that Government run PUC colleges charge

only Rs.90/- per annum as tuition fee with an additional Rs.27/- as science fee. Therefore, depending on the fact whether the student is pursuing an arts course or science course the fee chargeable would be Rs.90/- plus Rs.27/- in case the student is pursuing the science course. The applicants have not furnished relevant information on the basis of which the claim for reimbursement can be graded in terms of the Government orders. With regard to reimbursement of tuition fee, clause 20 of the Central Civil Services (Education Assistance) Orders, 1988 reads -

"20. The reimbursement of tuition fee charged by a college run by a University or affiliated to a University for Pre-University/first year class of an Intermediate College or of a Technical College or first year class of Polytechnic or for a correspondence course shall, however, be reimbursed in full subject to their being restricted to the rates prescribed by Government college for corresponding classes.

"In cases where minimum qualifications for admission in the two years Diploma course in Polytechnics is 10th class of the revised pattern of education and the student joins the polytechnic after passing X class of the revised pattern of education, the reimbursement of tuition fees shall also be allowed for the I and the II year classes of the above course"."

The above rule makes it clear that reimbursement is limited to such fee prescribed and payable in a Government institution whether it is PUC course or it is a polytechnic. The applicants cannot get anything beyond what was payable at a Government institution. We had indicated the fee fixed by a Government owned polytechnic and a Government aided polytechnic. The applicants will therefore have to limit their claims to the rates prescribed therefor. They cannot get anything more and certainly

not what they claim to have paid actually by way of tuition fee for their wards. In that view of the matter, we direct the applicants to submit a fresh demand to the Government of India limiting the claim for reimbursement in terms of the Government orders referred to supra and thereupon, the fee to be reimbursable to be worked out by Government of India. If any excess amounts have already been paid, the Government will be at liberty to recover the same in some easy instalments. With these observations, these applications, which substantially fail, stand dismissed. No costs.

Sd/-
MEMBER(A)

Sd/-
VICE-CHAIRMAN.

TRUE COPY

S. S. Rao 28/3
SECTION OFFICER
GENERAL ADMINISTRATION
ADMISSIONS DEPT
BANGALORE