

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 29/94

Date of Decision: 21.6.1999

Shri T. H. Khanna

Applicant.

Advocate for
Applicant.

Versus

Union of India and others.

Respondent(s)

Shri R.K. Shetty.

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S. Baweja, Member (A)

(1) To be referred to the Reporter or not? *W*

(2) Whether it needs to be circulated to
other Benches of the Tribunal? *W*

R.G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PREScot ROAD, MUMBAI:1

Original Application No.29/94

Monday the 21st day of June 1999

CORAM : Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S.Baweja, Member (A)

T.H. Khanna
Besiding at
Opp. O.F.V Post Office
Varangaon.

... Applicant.

V/s.

Union of India through
Secretary,
Ministry of Defence
South Block,
New Delhi.

The Chairman
Ordnance Factory Board
10 A, Auckland Road,
Calcutta.

The General Manager,
Ordnance Factory
Varangaon.

Shri J.G. Jagwani
(then General Manager
Ordnance Factory,
Varangaon
at present Member
Ordnance Factory Board,
10 A Auckland Road,
Calcutta.

... Respondents.

By Advocate Shri R.K. Shetty.

ORDER (ORAL)

¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman ¶

This application has filed under Section 19
of the Administrative Tribunals Act 1985. The
respondents have filed reply. Today the case is called
out for final hearing in the forenoon, applicant and
counsel were absent. The case is again called in the
afternoon, applicant and counsel were absent. Now it
is 4 PM till now applicant and counsel have not
turned up.

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2. We have heard Shri R.K. Shetty, counsel for the respondents. We have perused the pleadings and materials on record.

3. The applicant is claiming that he has been wrongly superceded by the respondents. The respondents have stated that they were considered the case of the applicant and was found not fit for promotion.

It appears that there was disciplinary enquiry pending against the applicant. A penalty was imposed which came to be quashed by the order of the Tribunal dated 19.8.1991 in O.A. 242/90. In view of the fact that the penalty was set aside the department had to consider the case of the applicant for promotion by holding review DPC. It is seen on record that the department has conducted a Review DPC and the applicant was not found suitable for promotion and issued an order dated 6.8.1993. The applicant is challenging this order. It is well settled that a Court or Tribunal cannot sit in an appeal over the proceeding of the DPC. Judicial review is only to find out whether the order of the DPC is legal or not. When the DPC has given the grading and on that basis the applicant was not found fit for promotion, this Tribunal cannot sit in an appeal over grading given by the DPC or the decision of the DPC. From the materials on record it is not possible to say that the decision taken by the DPC is illegal. We also notice that the applicant has retired from service as far back as on 31.7.1986. Now we are in 1999. In the facts and circumstances of the case we do not find that

any case is made out for challenging the order of non promotion of the applicant dated 6.8.1993.

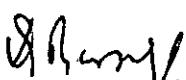
4. The applicant's next prayer is that his family must get LTC benefit for the Block year 1982-1985. It is seen from the record that during that period the applicant was under suspension and as per rules he is not entitled to LTC benefits. Ofcourse his family members would be entitled to LTC, provided proper claim is made as per rules. Advance application should be given to the head of the office about the intention to avail LTC and then after the journey the applicant should give the prescribed form duly filled with supporting documents and vouchers. We should see whether the applicant had made any application in proper form and whether the applicant had given advance intimation to the head of the department. In the absence of these materials the applicant cannot say that rejection of the respondents about LTC is illegal.

5. The next prayer is that he should be given TA/DA for attending medical Board, Bombay. According to the respondents there is no provision in the Rule for grant of TA/DA for such purpose. The applicant has not produced relevant rules or Government orders to support the claim that he is entitled to TA/DA on this account. Hence we cannot grant that prayer.

6. The last prayer in the application is that he is entitled to Home Town Travel benefit for going to Home town after retirement. No doubt as per rules an official retired from service is entitled to travel at the cost of the Government from the place where the office is lockated to the

place he wants to settle down after retirement. The applicant has not produced any material to show whether he has given declaration as to at which place he is settling after retirement. On the other hand respondents have brought on record that even in 1990 the applicant has shown the address as Varangaon in his original application, a copy of which has been produced alongwith the reply. The applicant should have placed on record about his going to Home town, which place he wants to settle down after retirement. He should have submitted the T.A. Bill in the prescribed form by producing the necessary vouchers for actual travel. In the absence of these, the applicant cannot claim that he should be paid TA for going to his native place. In view of the above observation the applicant has not made out any case for grant of any of the reliefs.

7. In the result the O.A. is dismissed.
No order as to costs.


(D.S. Baweja)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

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