

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH: HYDERABAD

(29)

D.A. NO. 402/89

~~T.A. NO.~~

DATE OF DECISION

14/3/90

Petitioner

Advocate for the
Petitioner (s)

Versus

Respondent

Advocate for the
Respondent (s)

CORAM

The Hon^{ble} Mr.

B.N. Jayasinha, HC

The Hon^{ble} Mr.

1. Whether Reporters of local papers may be allowed to see the Judgment? *no*
2. To be referred to the Reporter or not? *no*
3. whether their Lordships wish to see the fair copy of the Judgment? *no*
4. whether it needs to be circulated to other Benches of the Tribunal? *no*
5. Remarks of Vice-Chairman on columns 1,2,4, (To be submitted to Hon^{ble} Vice-Chairman where he is not on the Bench)

B.N.
(B.N.)
HC

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 402 of 1989

Date of Order: 14/03/1990

1. Civil Accounts and Audit Association
Offices of the Accountants General
(A&E) and (Audit I & II), A.P.,
Hyderabad-500 463, represented by
its General Secretary, Sri M.Solomon
Raju.
2. B.S.Ramchander
Senior Accountant,
O/o Accountant General (A&E)
A.P.Hyderabad.

.....Applicants

and

The Accountant General (A&E)
A.P. Hyderabad and 4 others

.....Respondents

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For Applicants: Mr.I.Dakshina Murthy, Advocate

For Respondents: Mr.G.Parameshwar Rao, Standing Counsel
for Accountant General

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C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

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(Judgment delivered by Hon'ble Shri B.N.Jayasimha, VC)

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1. This application has been filed questioning the Government of India's clarification regarding reimbursement of Tuition fees as communicated by the Comptroller and Auditor General of India, in U.O.No. 12011/1/88-Estt. (Allowances), dated 6-1-1989.

BNS

2. The applicants state that the IV Pay Commission made recommendations regarding various types of Allowances under the Educational Assistance Scheme and the recommendations of the Pay Commission are generally applicable with effect from 1-1-1986. The Pay Commission also recommended reimbursement of tuition fee and Children's educational Allowance and it was extended for all the classes from Class I to Class XII, Whereas such allowances were not available to the children studying in Class I to Class V Earlier. The orders were issued in No.18011/87-Estt (Allowances), dated 31st December, 1987 enhancing the rate of reimbursement of Tuition fee. It was stated that the new rates will be effected from 1-10-1986 in respect of employees who were eligible for these benefits as per criteria and upper pay limit in force prior to 1-1-1986. It was also stated that the upper pay limit would not apply with effect from 1-12-1987. Accordingly the tuition fee at the new rate was reimbursed from 1-10-1986 to all the employees. However, by the impugned order dated 6-1-1989 the respondents are proposing to recover the tuition fee already reimbursed for the period from 1-10-1986 to 30-11-1987. Hence, they have filed this application.

3. The respondents have filed a counter stating that the Government of India, Department of Personnel and Training in O.M.No.12011/1/88-Estt(Allowance) dated 1-8-1989 have clarified the position and accordingly no recovery/reimbursement of tuition fee paid during the period from 1-10-1986 to 30-11-1987 will be effected. Thus, the relief sought for by the applicant has been settled and no further orders are required in this case.

To:

1. The Accountant General (A&E) A.P. Hyderabad-500 463.
2. The Accountant General (Audit-I) A.P. Hyderabad-500 463.
3. The Accountant General (Audit-II) A.P. Hyderabad-500 463.
4. The Controller & Auditor General of India, 10, Gate and Bahadur Shah Jafar Marg, New Delhi-110 002.
(A&E) and (Audit-I & II) A.P. Hyderabad-500 463.
5. The Secretary, (Government of India) Ministry of Finance
Department of Expenditure, New Delhi.
6. One copy to Mr. I. Dakshina Murthy, Advocate, 10-1-18/25, Shyamnagar, Hyderabad-500 004.
7. One copy to Mr. G. Parameshwar Rao, SC for Accountant General, CAT., Hyderabad.
8. One spare copy.

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Done.
15/3/64

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4. I have heard Shri I.Dakshina Murthy, learned counsel for the applicant and Shri G.Parameshwar Rao, Standing Counsel representing the Accountant General.

5. It is seen from the facts above that the applicants have received the relief they have asked for. Shri Dakshina Murthy, however, contends that the applicants are eligible for reimbursement of tuition fees from 1-1-1986 and not from 1-10-1986 as clarified by the Government of India in Memo dated 1-8-1989. The applicants have not questioned this letter in this application. Even subsequent to the issue of this letter they have not sought any amendment of the prayer. In these circumstances, as the prayer asked for by the applicants that there should be no recovery, has been settled and the U.O.No.12011/1/88-Estt.(Allowcs) dated 6-1-1989, is also not operated, no further directions are required.

6. Shri Dakshina Murthy, however, states that the disposal of this case should not preclude the applicants from questioning the order dated 1-8-1989. This order ~~will not be a bar to the applicants for~~ filing an application questioning the order dated 1-8-1989, subject to maintainability, limitation, etc.

7. In the result, the application is disposed of with no order as to costs.

(Dictated in open Court)
Dt.14th March, 1990

SQH*

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(B.N.JAYASIMHA)
Vice Chairman

DEPUTY REGISTRAR(A)