

(20)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 205/90.

T.A.No.-

Date of Decision :

27.11.1991.

A.Venkat Rao Petitioner.

Shri V.Venkateswara Rao Advocate for the
petitioner (s)

Versus

Director-General, Defence Research & Development Respondent.
Govt. of India, Min. of Defence,
B-Blocks, Sena Bhavan, New Delhi & 2 others
Shri N.V.Ramana, Addl. CGSC Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R.Balasubramanian : Member(A).

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
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)

N
HRBS
M(A).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.205/90.

Date of Judgment 27-11-1991.

A.Venkat Rao

.. Applicant

Vs.

1. The Director-General,
Defence Research &
Development,
Min. of Defence,
Govt. of India,
B-Blocks, Sena Bhavan,
New Delhi-110011.

2. The Director,
Defence Electronics
Research Laboratory,
Chandrayangutta Lines,
Hyderabad-500005.

3. The Joint Controller of
Defence Accounts
(Research & Development),
C/o DRDL Stores Complex,
Kanchanbagh,
Hyderabad-500258.

.. Respondents

Counsel for the Applicant : Shri V.Venkateswara Rao

Counsel for the Respondents : Shri N.V.Ramana, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A).

This application has been filed by Shri A.Venkat Rao under section 19 of the Administrative Tribunals Act, 1985 against the Director-General, Defence Research & Development Min. of Defence, Govt. of India, B-Blocks, Sena Bhavan, New Delhi-110011 and 2 others praying for quashing of letter No.DT/TR/TA/DA/7281 dated 12.4.89 and No.7281/DLRL/III dated 17.8.89 thereby directing the respondents to pay him his T.A. claim of Rs.4000/- towards the charges for transportation of his personal effects on retirement.

2. The applicant who was working as Chief Administrative Officer in Defence Electronics Research Laboratory (DERL for short) sought for voluntary retirement on medical groun

and retired from service on 29.2.88. On 7.5.88, he transported his personal effects from Hyderabad to Avadi (Madras) and according to rules he is entitled to the terminal TA/DA. He submitted the stamped receipt obtained from the Roadlines for Rs.4000/- towards transportation of his personal effects. However, he could not submit the original consignment note and receipt issued at the time of transportation of the goods as he had misplaced the same during transportation of the goods and could not locate the same. This claim of Rs.4000/- was disallowed by the Accounts Department even though the countersigning authority endorsed the bill favourably. It is against this action of the respondents that this application has been filed.

3. The respondents have filed a counter affidavit and oppose the application. It is admitted that the stamped receipt for Rs.4000/- is dated 6.5.88 and this was produced by the applicant. They returned the claim with the remarks that the cash receipt of the Carrier on their letter-pad was not acceptable. They wanted the cash receipt bearing machine number and also the consignor copy showing the amount paid and lorry number etc. They are not satisfied with the duplicate copies of the cash receipt and consignor copy for transportation of the goods. It is ^{however} admitted that the material information required by Respondent No.3 such as machine number of the original receipt, the amount paid and the quantity of material transported etc., are available in the duplicate copies submitted by the applicant. It is contended that though Respondent No.2 has countersigned it is the ultimate responsibility of Respondent No.3 to pass the bill after being satisfied. Since Respondent No.3 was not satisfied they have rejected the bill.

4. I have examined the case and heard the learned counsels for the rival sides. The short question is whether payment should be made on the basis of the certificates produced

Vib

26/2

Copy to:-

1. The Director General, Defence Research and Development Ministry of Defence, Govt. of India, B Blocks, Sena Bhavan, New Delhi-110011.
2. The Director, Defence Electronics Research Laboratory, Chadrayanagutta lines, Hyderabad -500 005.
3. The Joint Controller of Defence Accounts (Research and Development) C/o DRDL Stores complex, Kanchanbagh, Hyd-500258.
4. One copy to Shri. V. Venkateswarao, 1-1-287/27, Chikkadpally, Hyderabad-500 020.
5. One copy to Shri. N. V. Ramana Addl. CGSC CAT Hyd.
6. One spare copy.

Rsm/-

u/t
Suresh
3/1/2011

- 3 -

by the applicant when the genuineness is not suspected. It is not the case anywhere, of the respondents, that the documents produced by the applicant are not genuine. He has produced a stamped receipt dated 6.5.88 which indicates that it was a case of pre-payment. I find from the duplicate certificate at Annexure-V that the machine number, total weight of the goods transported and full particulars about the lorry are all available. Though an officer of Chief Administrative Grade like the applicant should have taken greater care and pain to ^{submit} ~~preserve~~ the original consignment note, still he should not be penalised when he had produced the required documents ~~whose~~ ^{the} genuineness of ~~which~~ has not so far been doubted by the bill passing authority. The documents produced by the applicant are enough to pass the bill, more so when he had ~~produced~~ categorically certified that in the event of his locating the ^{misplaced} original consignment note etc., he would not prefer a bill again. I find that the stand of the respondents in not paying the amount due to a responsible officer, who had retired, on the trivial ground that he had not produced the original of the consignment note is totally unjust. As stated earlier, the genuineness of the documents he had produced had not been doubted. Under these circumstances, I direct the respondents to make the payment of Rs.4000/- to the applicant within a period of one month from the date of receipt of this order. There is no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

Dated 27th November, 1991.

3/2/91
Deputy Registrar (Jud.)

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As per
TYPED BY

O.A. 205/90

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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANTAN : M(A)

AND

THE HON'BLE MR.

M(J)

DATED: 27/11/1991

ORDER/JUDGMENT:

M.A./R.A./C... No.

O.A. No.

205/90

T.A. No.

(W.P. No.)

Admitted and Interim directions
Issued.

Allowd.

Disposed of with directions

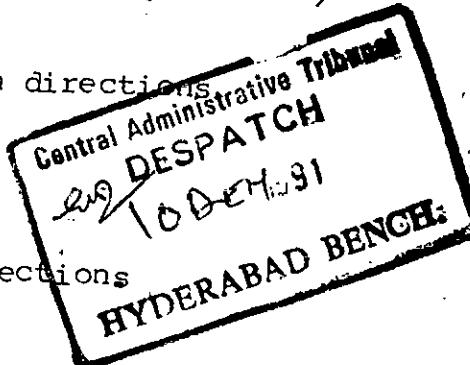
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

Order as to costs.



pvm

3/12/91