

(30)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.1014/90.

Date of Judgment 6.8.1991.

K.Mohan Rao

.. Applicant

Vs.

1. Sr. Supdt. of  
Post Offices,  
Vijaywada Division,  
Vijaywada-520001  
Krishna Dt. (A.P.).

2. Public Relation  
Inspector(Postal),  
Machavaram Sub P.O.,  
Vijaywada-520004  
Krishna Dt. (A.P.).

.. Respondents

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Counsel for the Applicant : Shri Ch.Koteswara Rao

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

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CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

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

I Judgment as per Hon'ble Shri R.Balasubramanian,  
Member(Admn) I

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This application has been filed by Shri K.Mohan Rao under section 19 of the Administrative Tribunals Act, 1985 against the Sr. Supdt. of Post Offices, Vijaywada Division, Vijaywada-520001, Krishna Dt. (A.P.) and another.

2. The applicant is working as L.S.G. Postal Assistant in the Machavaram Sub P.O., Vijaywada. The Postal Department issued orders for granting of Split Duty Allowance to Group C & D employees who fulfil certain conditions, one of them being that the distance between the place of duty

and the residence should be more than 5 KMs. Based on a declaration furnished by the applicant, the applicant was sanctioned Split Duty Allowance and he had been getting it. Later, the respondents verified the distance and found that it was only 4.6 KMs. <sup>The allowance was withdrawn.</sup> The applicant had since been representing against it ~~and is~~ aggrieved that he was not taken into confidence or was not given <sup>any</sup> notice when the distance was verified by the respondents to be only 4.6 KMs. Later, the respondents started recovery and aggrieved the applicant <sup>has</sup> approached us with a prayer that the respondents be directed to re-verify the distance.

3. The application is opposed by the respondents. Initially, the applicant was sanctioned the Split Duty Allowance on his declaration. Later, directions were issued to verify the claims and that they made a physical verification of the distance through the concerned authorities and it was found to be only 4.6 KMs. The respondents came to the conclusion that the applicant had given a false declaration and demanded an explanation. It is stated that the applicant did not admit his guilt but maintained that the distance by public transport was more than 5 KMs. On the insistence of the applicant the respondents again verified the distance and found that the applicant had throughout been quoting a more circuitous route involving more walking distance/fare and at times involves <sup>ing</sup> change of two buses and that no one generally uses this route. Hence they took the decision to recover the money.

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4. We have examined the case and heard the learned counsel for the applicant and the respondents. The question involved is a matter of fact. The circular sanctioning the Split Duty Allowance talks of the distance being more than 5 Kms. This should normally mean a distance easily traversable between the two points. This has been verified to be only 4.6 Kms. While it is open to the applicant to choose a longer route which he may find it convenient, he <sup>cannot</sup> ~~cannot~~ make this as a reason for claiming the Split Duty Allowance under the rules. Hence, we dismiss the application with no order as to costs. We, however, direct the respondents to effect the recovery of overpayments made in easy instalments to avoid hardship to the applicant.

MS

( J.Narasimha Murthy )  
Member(Judl).

R. Balasubramanian

( R.Balasubramanian )  
Member(Admn).

Dated 6<sup>th</sup> August 91

8/8/91  
Registrar

Copy to

1. The Senior Superintendent of Post Offices, Vijayawada division, vijayawada - 520001 Krishna district (A.P).
2. The Public Relation Inspector (Postal) Machavaram Sub P. Office, vijayawada - 520004 Krishna district, A.P.
3. One copy to Mr. Ch. Koteswara Rao, Advocate, H.No. 2-2-1164/15, Tilaknagar, Nallakunta, Hyderabad.
4. One Copy to Mr. N. V. Ramana, Addl. CGSC., CAT., Hyderabad.
5. One Spare Copy.

24 Aug 91  
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.G.

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY: M(J)

AND

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

DATED: 6-8-1991

ORDER/ JUDGMENT

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

in

D.A. No.

1014/90

T.A. No.

(W.P. No.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with direction.

Dismissed. with no order as to costs

Dismissed as Withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

Central Administrative Tribunal  
DESPATCH  
12 AUG 1991  
HYDERABAD BENCH

Agg  
7/18/91