

(50)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 341/91.
-T.A.No.-

Date of Decision :

K.S.Velayudhan

Petitioner.

Shri M.C.Pillai

Advocate for the
petitioner (s)

Versus

General Manager, S.C.Rly., Secunderabad

Respondent.

Shri N.Rajeswara Rao for

Advocate for the
Respondent (s)

Shri D.Gopal Rao, SC for Railways

CORAM :

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

THE HON'BLE MR. C.J.Roy : Member (J)

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)

HRBS
M(A).

HCR
M(J).

(S)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 341/91.

Date of Judgment

K.S.Velayudhan.

.. Applicant

Vs.

1. General Manager,
S.C.Rly., Secunderabad.
2. Chief Personnel Officer,
S.C.Rly., Secunderabad.
3. FA & CAO.,
S.C.Rly., Secunderabad.
4. CE (Open Line),
S.C.Rly., Secunderabad. .. Respondents.

Counsel for the Applicant : Shri M.C.Pillai

Counsel for the Respondents : Shri N.Rajeswara Rao for
Shri D.Gopal Rao, SC for Railway

CORAM:

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

Hon'ble Shri C.J.Roy : Member(J)

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

This application has been filed by Shri K.S.Velayudhan under section 19 of the Administrative Tribunals Act, 1985 against the General Manager, S.C.Rly., Secunderabad & 3 others with a prayer to declare the impugned order No.P/E/29/Clerks dt. 21.5.90 issued by the 1st respondent as illegal and for a direction to the Respondents No.1 and 2 to pay immediately the transfer grant and packing allowance together with interest for the delay caused and also the cost of the O.A.

2. The applicant who joined the Railways on 1.9.50 retired from service on 30.6.88 from Secunderabad. As per Railway Board's letter No.F(E)1/86/AL-28/1 dt. 14.3.86, a retired Railway employee is entitled for transfer grant and packing allowance - in this case Rs.1200/- each amounting to a total of Rs.2400/-. The applicant preferred

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P.I
J

a claim for this but this was denied by the respondents vide the impugned letter dt. 21.5.90. It is against this that the applicant has preferred this O.A.

3. The respondents have filed a counter affidavit and oppose the application. It is their case that since the applicant has settled at Secunderabad only from where he retired and also on verification they could not satisfy themselves that he had ~~not~~ shifted his personal effects, they are denying the transfer grant and packing allowance.

4. We have examined the case and heard the rival sides. The only point to be resolved here is whether the respondents are right in denying the transfer grant and packing allowance to the applicant.

5. From the impugned letter dt. 21.5.90 it is seen that the amounts are denied on two grounds:

- (a) That the applicant is living in his own house at Secunderabad and drawing pension from a bank at Secunderabad.
- (b) That the transport company through which the applicant claims to have moved his personal effects to Kerala was found to be non-existing in Secunderabad at the address shown on the ~~way~~ weigh bills produced by him.

6. As regards the reason at 5(a) above, this just does not appeal to us. Nowhere is it said, that a person after initially shifting from the place of retirement to his native place or the place of his choice cannot return back to the place where he retired from. In today's situation there can be a variety of reasons ~~under~~ ^{for} which one returns back to the place where ~~one~~ he retired from-like disillusionment with the native place after a long absence from there and the need to be with one's own children in an advanced age, when the children have settled at the place of one's retirement. The fact that one owns a house at the place of ~~his~~ retirement ^{also} is ~~also~~ enough reason for one to return back. On the ground that he had been living at Secunderabad and drawing pension from a bank at Secunderabad alone the respondents cannot deny him the transfer grant and packing allowance.

7. Regarding the ~~ground~~ at 5(b) :- We have stated above that there can be nothing objectionable if a person after retirement returns back to the place of retirement. This implies that after retirement he should have ~~.....~~ proceeded to the native place/the place of his choice for which he claims the allowances. In this case, the applicant has stated that he had actually moved over to Kerala after retirement as T.A. bill. This, however, does not mean that he had shifted his baggage even partly to his native place. It is enjoined on the respondents to be satisfied that the person is genuinely entitled to the transfer grant and packing allowance by actually shifting from Secunderabad (his place of retirement) to his native place in Kerala. The respondents have verified with the transport company and are not satisfied that the applicant had actually shifted. When the duty to verify this fact has been enjoined on them and they had actually verified, we are unable to interfere in this case and we accordingly dismiss the application with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

W.B.M
(C.G.Roy)
Member(J).

31/81
Dated: 31 March, 1992.

8/3/92
Deputy Registrar (Judl.)

Copy to:-

1. General Manager, South Central Railway, Secunderabad.
2. Chief Personnel Officer, South Central Railway, Secunderabad.
3. FA & C.A.O., South Central Railway, Secunderabad.
4. C.E. (Open Line) South Central Railway, Secunderabad.
5. One copy to Sri. M.C.Pillai, advocate, CAT, Hyd.
6. One copy to Sri. D.Gopal Rao, SC for Railways, CAT, Hyd.
7. One spare copy.

Rsm/-

P.38 Lath
13/4.

③ TYPED BY

COMPARED BY

CHEKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 31/3/1992.

ORDER / JUDGMENT

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

in

O.A. No.

341/91

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

Dismissed ✓

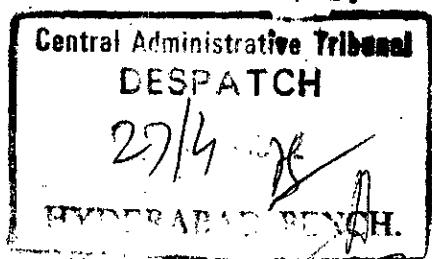
Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.



13/4