

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.No.850/92

Date of Order: 25.9.1992

BETWEEN:

S.Fakruddin

.. Applicant.

A N D

1. The Supdt. of Post Offices,
Nandyal, Kurnool District.
2. The Director General of Posts,
New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr. Krishna Devan

Counsel for the Respondents

.. Mr. N.R.Devraj

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Single Member Bench delivered by

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)).

T. C.R

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to declare that the applicants are entitled to get the daily allowance for the period of training obtained outside the headquarters and pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this CA in brief are as follows:

The applicant was working as Postal Assistant in the Postal Division of Nandyal. The applicant was deputed to undergo "Induction of P'As. training at P.T.C. Mysore", as per the orders of the First respondent dated 18.10.1989. The applicant actually underwent training at Mysore from 23.10.1989 to 14.1.1990. The respondents have paid only Travelling Allowance to the applicant for performing journey to Mysore where the applicants underwent the said training. The applicant was not paid D.A. during the perios of training at Mysore. The applicant himself had borne all the expenses at Mysore during the period of training. The applicant had filed this OA for the relief as already indicated above.

Today we have heard Mr.Krishna Devan, Advocate for the applicant and Mr.N.R.Devraj, Standing Counsel for the respondents.

Mr.N.R.Devraj, for the respondents vehemently contended that the applicant is not entitled to daily allowance for the period of training at Mysore as per the D.Gs. letter dated 17.8.1987.

Admittedly the applicant had gone to Mysore to undergo the said training in persuance of the proceedings dated 18.10.1989 issued by the First respondent. The fact

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Copy to:-

1. The Supdt. of Post Offices, Nandyal, Kurnool District.
2. The Director General of Posts, New Delhi.
3. One copy to Sri. Krishna Devan, advocate, 2-2-1164/20B, Tilaknagar, Hyd.
4. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One spare copy.
6. one copy to D.R. (J).

Rsm/-

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GJ

that the applicant herein had completed training at Mysore in pursuance of the said orders of the First Respondent dated 18.10.1989 is not in dispute in this OA. Admittedly while undergoing the said training the applicant should have spent some amount towards boarding and lodging charges. For all purposes it has got to be taken that the applicant was "outside the headquarters on official duty while undergoing the said training". So as the applicant had been on official duty outside the headquarters it will be fit and proper to direct the respondents to pay the applicant the DA to which he is entitled in accordance with rules. No doubt the contention of Mr.N.R.Devraj is that the said DA cannot be paid to him the applicant in view of the letter dated 17.8.1987 issued by the Director General. But no credence can be given to the said letter as already pointed out as it must be taken for all purposes that the applicant was on "duty" during the said training at Mysore. So they have got to be paid the DA as already pointed out in accordance with rules.

Hence we direct the respondents to reimburse the applicant the daily allowance for which he is entitled in accordance with rules for the period of training from 23.10.1989 to 14.1.1990 he had underwent at Mysore. If any payments had already been made the same shall be deducted from out of the amount that is payable in pursuance of this orders of this Tribunal. This order shall be implemented within 3 months from the date of the communication of the same. With the above said directions OA is allowed, leaving the parties to bear their own costs.

T - Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 25th September, 1992

(Dictated in Open Court)

85/1092
D. Registrar (J.)

contd-- 4/-

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE 'MR

AND

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

AND

THE HON'BLE MR.T.CANDRASEKHAR REDDY:
M(JUDL)

AND

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

Dated: 25/9/ - 1992

ORDER/JUDGMENT:

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

in-

O.A. No.

850792

T.A. No. -

(WP-No.

Admitted and interim directions issued.

©-A Allowed

Central Administrative Tribunal
DESPATCH

Disposed of ~~per~~ 30C 1992
directions

Dismissed

Dismissed as without merit.

Dismissed for default

M-A-Ordered/Rejected

No orders as to see

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