

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.904/92

Date of Order: 16.10.92

BETWEEN:

Abdul Wahab

.. Applicant.

A N D

1. The Supdt. of Post Offices,
Anantapur Division, Anantapur.
2. The Senior Supdt. of Post
Offices, Chittoor Division.
3. The Supdt. of Post Offices,
Tirupathi Division, Chittoor Dist.
4. The Director General of Posts,
New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr.Krishna Devan

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI A.B.GORTHI, MEMBER (ADMN.)

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

(Order of the Division 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 OA in brief are as follows:

2. The applicant was working as Postal Assistant in the Postal Division of Nandyal. The applicant was deputed to under ^{go} "Induction of P.As training at 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 5.1.1990. The respondents have paid only T.A. to the applicant for performing journey to Mysore where the applicant underwent the said training. The applicant was not paid D.A. during the period 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.

3. Today we have heard Mr.Krishna Devan, Advocate for the applicant and Mr.N.V.Ramana, Standing Counsel for the respondents.

4. Mr.N.V.Ramana, 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.

5. Mr.N.V.Ramana, Standing Counsel for the respondents further contended that the applicant has approached this Tribunal without exhausting the remedies open to him under the relevant Service Rules. We have perused ^{the} records, the applicant has put in a representation on 25.3.1992 to ^{the} Superintendent of Post Offices, Tirupati Division to pay him the Daily Allowance, mess charges etc. No order seems to have been passed yet on the said representation. More than 6 months elapsed from the date of the representation of the applicant. The applicant has a right to approach the Tribunal ^{SS} for redressal of his grievance.

Copy to:-

2. The Supdt., of Post Offices, Anantapur Division, Anantapur.
2. The Senior Suptd. of Post Offices, Chittoor Division.
3. The Supdt., of Post Offices, Tirupathi Division, Chittoor District.
4. The Director General of Posts, New Delhi.
5. One copy to Sri. Krishna Devan, advocate, 1107/172-3, Tilak nagar, New Nallakunta, Hyderabad-44.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One spare copy.

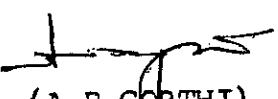
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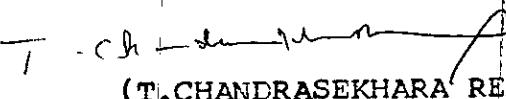
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(B)

6. Admittedly the applicant had gone to Mysore to undergo the said training in pursuance of the proceedings dated 18.10.89 issued by the First respondent. The fact 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. V. Ramana is that the said DA cannot be given ^{dated 17-8-1987} to the said letter as already pointed out as it must be taken for all purposes that the applicant was on "duty" during the ^{he} said training at Mysore. So they have got to be paid the DA as already pointed out in accordance with rules.

7. 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 5.1.1990 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 three months from the date of communication of the same. With the above said directions OA is allowed, leaving the parties to bear their own costs.

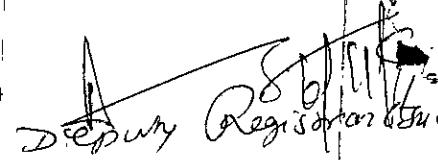

(A.B.GORTHI)
Member (Admn.)


(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 16th October, 1992

(Dictated in Open Court)

sd


Deputy Registrar

contd..