

20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.910/92

Date of Order: 21.10.92

BETWEEN

1.A.R.Bhagat Singh

2. S.L.Diwakar

.. Applicants.

A N D

1. The Supdt. of Post Offices,
Kurnool.

2. The Post Master General, APSR,
Kurnool.

3. The Director General of Posts,
New Delhi.

.. Respondents.

Counsel for the Applicants

.. Mr.Krishna Devan

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

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

T. Chandra Sekhara Reddy

14

Order of the Division Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.).

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 applicants are working as Postal Assistants in the Postal Division of Kurnool. The applicants were deputed to undergo "Induction of P.As training at P.T.C. Mysore", as per the orders of the First respondent on different dates. The first applicant underwent training at Mysore from 23.10.1989 to 12.1.1990. Second applicant was deputed to undergo similar training in Banjara Hills Post Office, Hyderabad from 11.2.1991 to 3.5.1991. The respondents have paid only Travelling Allowance to the applicants for performing journey to Mysore and Hyderabad where the applicants underwent the said training. The applicants were not paid D.A. during the period of training. The applicants themselves have borne all the expenses during the period of training. The applicants have filed the present OA for the relief as already indicated above.

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

4. Mr.N.R.Devraj, Standing Counsel for the respondents vehemently opposed this OA and contended in view of the D.Gs circular dated 17.8.1987, that the applicants are not entitled to the daily allowance during the period of training.

T. C. n — p

: 4 :

Copy to:-

1. The Supdt of Post Offices, Kurnool.
2. The Post Master General, APSR, Kurnool.
3. The Director General of Posts, New Delhi.
4. One copy to Sri. Krishna Devan, advocate, 1107/172-3, Tilaknagar, Hyderabad-044.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

Post Com
6/11/54

Admittedly the applicants had gone to Mysore and Hyderabad to undergo the said training in pursuance of the proceedings issued by the first respondent. The fact that both the applicants herein had completed training in pursuance of the said orders of the first respondents is not in dispute in this CA. Admittedly while undergoing the said training the applicants should have spent some amount towards boarding and lodging charges. For all purposes it has got to be taken that the applicants were "outside headquarters" on official duty while undergoing the said training". So as the applicants had been on official duty outside the headquarters it will be fit and proper to direct the respondents to pay the applicants the DA to which they are entitled in accordance with rules. No doubt the contention of Mr.N.R.Devraj is that the said DA cannot be paid to them 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 applicants were on "duty" during the said training. 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 applicants the daily allowance for which they are entitled in accordance with rules for the period of training. If any payments had already been made the same shall be deducted from out of the amount that is payable in pursuance of this order of the Tribunal. This order shall be implemented within 3 months from the date of communication of the same. With the above said directions CA is allowed, leaving the parties to bear their own costs.

(A.B.GORTHY)
Member (Admn.)

(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 21st October, 1992

deputy Registrar (Judl.)

Cmdr. 41-