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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.926/92.

Date of Judgement : 23.10.92.

P.Sanjappa

.. Applicant

Vs.

1. The Supdt. of Post
Offices, Guntakal.

2. The Supdt. of Postal
Stores Dep~~ot~~, Guntakal.

3. The Director General of
Posts, New Delhi. .. Respondents

Counsel for the Applicant : Shri Krishna Devan

Counsel for the Respondents : Shri N.R.Devaraj, Sr. CGSC

CORAM:

Hon'ble Shri A.B.Gorthi : Member(A)

Hon'ble Shri T.Chandrasekhara Reddy : Member(J)

[Judgement as per Hon'ble Shri T.Chandrasekhara Reddy,
Member(J)]

This is an application filed under section 19 of the Administrative Tribunals Act, 1985 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.

2. The facts giving rise to this O.A. in brief are as follows:

The applicant was working as Postal Assistant in the Postal Division of Guntakal of Anantapur District. The applicant was deputed to undergo "Induction of P.As training in Banjara Hills Post Office, Hyderabad", as per the orders of the 2nd respondent dt. 6.2.91 containing the orders of the 1st respondent dt. 5.2.91. The applicant actually underwent training at Hyderabad from 11.2.91 to 3.5.91.

The respondents have paid only Travelling Allowance to the applicant for performing journey to Hyderabad where the applicants underwent the said training. The applicant was not paid D.A. during the period of training at Hyderabad. The applicant himself had borne all the expenses at Hyderabad during the period of training. The applicant had filed this O.A. for the relief as already indicated above.

3. Today we heard Shri Krishna Devan, Advocate for the Applicant and Shri N.R.Devaraj, Standing Counsel for the Respondents.

4. Shri N.R.Devaraj, Standing Counsel for the Respondents vehemently contended that the Applicant is not entitled to daily allowance for the period of training at Hyderabad as per the Director-General's letter dt. 17.8.1987.

5. Admittedly the Applicant had gone to Hyderabad to undergo the said training in pursuance of the proceedings dt. 6.2.91 issued by the 2nd respondent. The fact that the Applicant herein had completed training at Hyderabad in pursuance of the said orders of the 2nd respondent dt. 6.2.91 is not in dispute in this O.A. 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 D.A. to which he is entitled in accordance with the rules. No doubt the contention of Shri N.R.Devaraj is that the said D.A. cannot be paid to the Applicant in view of the letter dt. 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 Hyderabad

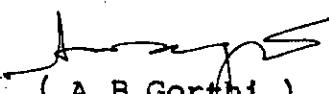
T. S. H.

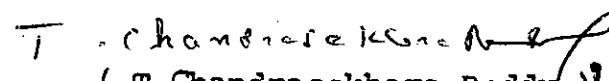
(17)

So, he has got to be paid the D.A. as already pointed out in accordance with the rules.

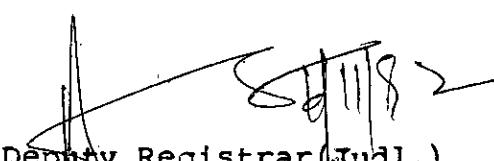
6. Hence, we ~~direct~~ request the Respondents to reimburse the Applicant the daily allowance for which he is entitled in accordance with the rules for the period of training from 11.2.91 to 3.5.91 he underwent at Hyderabad. If any payments had already been made, the same shall be deducted from out of the amount that is payable to him in pursuance of this order of this Tribunal. This ~~shall~~ ^{order} be implemented within three months from the date of communication of the same.

7. With the above directions, the O.A. is allowed leaving the parties to bear their own costs.


(A.B. Gorthi)
Member (A).


(T. Chandrasekhara Reddy)
Member (J).

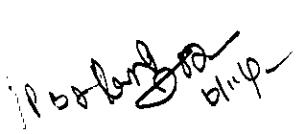
Dated: 23rd October, 1992.
(Dictated in the Open Court).


Deputy Registrar (Judl.)

Copy to:-

1. The Supdt., of Post Offices, Guntakal.
2. The Supdt., of Postal Stores Dep~~ot~~, Guntakal.
3. The Director General of Posts, New Delhi.
4. One copy to Sri. Krishna Devan, advocate, 2-1107/172/3, Tilaknagar, Hyd.
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-


P. B. Gorthi
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O.A. 92-6/92

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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR A.B. Gorai, A.M.

AND

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

AND

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

AND

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

Dated: 23/10/1992

✓
ORDER/JUDGMENT:

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

in

O.A. No. 92-6/92

T. A. No.

(wp. No _____)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

pvm

