

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1107/92

Date of Order: 28.12.1992

BETWEEN :

K.Prabhakara Rao
K.Raghavendra 

.. Applicants.

A N D

1. The Telecpm District Manager,
Ananthapur.
2. The General Manager(T),
Rayalaseema Area, Hyderabad..
3. The Chief General Manager (T),
A.P.Circle, Hyderabad.
4. The Director General,
Telecommunications,
New Delhi.

.. Respondents.

Counsel for the Applicants.

.. Mr.Krishna Devan

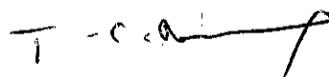
Counsel for the Respondents

.. Mr.N.K.Devraj

CO_RAM:

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

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



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 O.A. in brief are as follows:-

The applicants are working as Phone Inspectors in the Telecom Division of Ananthapur. The applicants were deputed to undergo "Induction of P.Ts training at CTTC, Kakinada", as per the orders of the First respondent on different dates. The first applicant underwent training at Kakinada from 16.4.1990 to 15.10.1990. Second applicant was deputed to undergo similar training in Kakinada and Dharmavaram from 16.4.1990 to 15.12.1990. The respondents have paid only Travelling Allowance to the applicants for performing journey to Kakinada and Dharmavaram 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} O.A. for the relief as already indicated above.

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

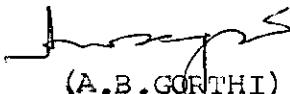
T. C. M. P.

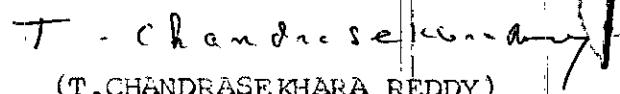
4. Mr.N.K.Devraj, Standing Counsel for the respondents vehemently opposed this O.A. and contended in view of the General Manager, Telecom, Hyderabad Circular No.TA/ACB/22-1/Rulings/VII dated 1.9.1989, that the applicants are not entitled to the daily allowance during the period of training.

5. Admittedly the applicants had gone to Kakinada and Dharmavaram 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 order of the first respondent is not in dispute in this O.A. 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.K.Devraj is that the said D.A. cannot be paid to them in view of the letter dated 1.9.1989 issued by the General Manager, Telecom. But the ^{mo} 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 D.A. as already pointed out in accordance with rules.

6. 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 three months from the date of communication of the same. With the above said directions O.A. is allowed, leaving the parties to bear their own costs.


(A.B. GOPTHI)
Member (Admn.)

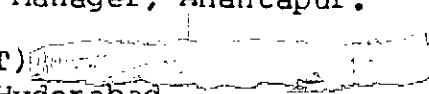

(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 23rd December, 1992

(Dictated in Open Court)


Deputy Registrar (J)

To

1. The Telecom District Manager, Anantapur.
2. The General Manager (T) 
Rayalaseema Area, Hyderabad.
3. The Chief General Manager (T) A.P.Circle, Hyderabad.
4. The Director General Telecommunications, New Delhi.
5. One copy to Mr. Krishna Devan, Advocate, CAT.Hyd.
6. One copy to Mr. N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One spare copy.

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APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

A. B. Goyhi

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

AND

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

AND

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

Dated: 23-12-1992

ORDER/JUDGMENT:

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

in

O.A. No.

1007/92

T.A. No.

(W.P. No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

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N.C. -

No Seg. no. Decree Order
by the H. Member

