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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.243/92

Date of Order: 13.8.1992

BETWEEN:

1. M.Krishna Murthy.
2. K.Chengalraya Naidu.
3. K.Ramachandraiah.
4. B.Munuswamy. Applicants.

A N D

1. The Senior Superintendent of Post Offices, Chittoor.
2. ~~The Director of Postal Services, A.P.S.R., Kurnool - 518 003.~~
3. Post Master General, A.P.S.R., Kurnool - 518 003.
4. The Director General of Posts, Dak Bhavan, 5th Floor, Sansad Marg, New Delhi - 110 001.
5. The Union of India, rep. by its Secretary to the Communications Department, New Delhi. Respondents.

Counsel for the Applicants

... Mr.Krishna Devan

Counsel for the Respondents

... Mr.P.V.Rajeswara Ra.
for
Mr.N.V.Ramana, *Adm*
68c.

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 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. All the applicants are working as Postal Assistants at different places in one and the same division which is the division of Chittoor. The applicants were deputed to undergo "Induction of P.As training at P.T.C., Mysore", as per the orders of the First respondent dated 21.3.1990. The applicants actually underwent training at Mysore from 30.3.1990 up to 19.6.1990. The respondents have paid only Travelling Allowance to the applicants for performing journey to Mysore where the applicants underwent the said training. The applicants were not paid D.A. during the period of training at Mysore. The applicants themselves have borne all the expenses at Mysore during the period of training. The applicants have filed the present OA for the relief as already indicated above.

3. Counter is filed by the respondents opposing this OA. In the counter filed by the respondents it is maintained that the applicants are not entitled to daily allowance for the period of training at Mysore as per the letter No. 17/16/80-PAP dated 17.8.1987 of the Director General and subsequent clarificatory order No. 17-16/80-PAP dated 8.3.1989.

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4. Today we have heard Mr. Krishna Devan, Advocate for the applicants and Mr. V. Rakeswara Rao for Mr. N. V. Ramana, Standing Counsel for the respondents.

5. Admittedly the applicants had gone to Mysore to undergo the said training in pursuance of the proceedings dated 21.3.1990 issued by the First respondent. The fact that all the 4 applicants herein had completed training at Mysore in pursuance of the said orders of the First respondent dated 21.3.1990 is not in dispute in this OA. 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. V. Rakeswara Rao for Mr. N. V. Ramana is that the said DA cannot be paid to them in view of the letter dated 17.8.1987 and clarificatory Order dated 8.3.1989 issued by the Director General. But no credence can be given to the said letter and clarificatory order as already pointed out as it must be taken for all purposes that the applicants were 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.

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 from 30.3.1990 to 19.6.1990 they had undergone at Mysore. If

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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 the 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 ~~et.~~. The parties shall bear their own costs.

T. Chandrasekhar Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated : 13th August, 1992

(Dictated in the Open Court)

820892
Deputy Registrar (Judl.)

Copy to:-

1. The Senior Superintendent of Post Offices, Chittoor.
2. The Director of Postal Services, A.P.S.R., Kurnool-003.
3. Post Master General, A.P.S.R., Kurnool-003.
4. The Director General of Posts, Dak Bhavan, 5th floor, Sansad Marg, New Delhi-110 001.
5. Secretary to the Communications Department, New Delhi.
6. One copy to Sri. Krishna Devan, advocate, 2-2-1107/A/9, Tilaknagar, Hyderabad-44.
7. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd-bad.
8. One spare copy.

Rsm/-

*Paralakshmi
20/8/92*

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TYPED BY COMPARED BY

CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 13/8/ - 1992

~~ORDER~~ / JUDGMENT

R.A. / C.A. / M.A. NO

in -

243/92

O.A. No.

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 orders as to costs.

pvm.

