

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.468/92

Date of order: 10.9.1993

BETWEEN :

Smt. E.Y.J. Rao

.. Applicant

A N D



1. Station Accounts Officer,
Air Force Station,
Begumpet, Hyderabad.
2. Commanding Officer,
Air Force Station,
Begumpet, Hyderabad.
3. Administration Officer,
Head Quarters, Training
Command, Bangalore.
4. Chief of Air Staff,
Air Head Quarters,
Vayubhavan,
New Delhi.
5. Union of India, rep. by
the Secretary, Ministry
of Defence,
New Delhi.

*[Respondent Nos. added to the array of respondents as per Cont. - .. Respondents.
order dt 9.6.92]*

Counsel for the Applicant

... Ms. S. Tripura Sundari,
P.N.
... Mr. Venkatachary and
Ms. Kalyani.

Counsel for the Respondents

... Mr. M. Jagann Mohan Reddy

CORAM:

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

— T — — — —

the excess amount paid towards tution fee is legal and valid.

It is only when a Central Government servant is transferred in the middle of an academic year that Hostel Subsidy is provided to the parent of the child so as to enable the child to continue the education at the place the child was studying, so, that the studies during the academic year may not be get disturbed. Admittedly the applicant had not been transferred from Bangalore. We are not able to understand how the applicant who was working at Bangalore, after having admitted her child for her own convenience in the Hostel at Bangalore can claim Hostel Subsidy. ~~The Hostel Subsidy also seems to have been paid to the applicant exorbitantly.~~ So, the action of the respondents in not paying Hostel Subsidy to the applicant cannot be said to be wrong in view of the circumstances of the case. We see no merits in this O.A. and the O.A. is liable to be dismissed and accordingly dismissed, leaving the parties to bear their own costs.

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Date 3/10/80
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

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Hostel Subsidy though the applicant is not entitled for the same and that the department is justified in initiating action for recovery of the same.

We have heard Ms. Kalyani for Mrs. S. Thripura Sundari Advocate for the applicant and Mr. M. Jagan Mohan Reddy, Standing Counsel for the respondents.

According to the applicant, the applicant is entitled to be paid towards tuition fee at the rate of Rs.60/- per month as that is the rate prescribed for students studying in Central Schools and so the action of the respondents to recover the tuition fee on the ground that the excess amount had been paid is not correct. The learned counsel for the respondents has taken us through the Rule position, para 18 and 19 of G.O.I. Home Affairs (Dept. of Personal and Administrative Reform) Office Memorandum No. 180/1/80-Estt (Allowance) dated 24.3.1984 (enclosed as Appx- 'C') clearly says that a Government Servant shall be eligible to the reimbursement of tuition fees payable and actually paid in respect of his child. Further, it says that the tuition fees payable and actually paid by to a Government Servant in respect of his child may be reimbursed subject to the following limits:-

(a) Classes V to VIII Rs.5/- p.m.

(b) Classes IX to XII Fees approved by the Kendriya Vidyalaya which is Rs.6,7 and 8 respectively per month.

The learned counsel for the applicant had not shown any rule position or instructions contra to the rule relied by the respondents. So, there is no doubt about the fact that the applicant had been paid by mistake tuition fee at the rate of Rs.60/- p.m. even though she was not entitled for the same. So, the action of the respondents to recover

T. S. —————



Copy to:-

1. Station Accounts Officer, Air Force Station, Begumpet, Hyd.
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3. Administration Officer, Head Quarters, Training Command, Bangalore.
4. Chief of Air Staff, Air Head Quarters, Vayubhavan, New Delhi
5. Secretary, Ministry of Defence, Union of India, New Delhi.
6. One copy to Sri. ^{PN} Venkatachary, advocate, 11-6-868, Redhills, Hyderabad.
7. One copy to Sri. M.Jagan Mohan Reddy, Addl. CGSC, CAT, Hyd.
8. One spare copy.

Rsm/-

Order of the Single Member 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 quash the impugned order issued by the first respondent dated 5.4.1991 to reimburse the tution fee paid to the applicant and also direct the respondents to pay ~~Rs~~ the Hostel Subsidy of Rs.3,000/- together with interest 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:-

2. The applicant had joined service in the Air Force on 1.6.1963 as Lower Division Clerk and she was promoted as Upper Division Clerk on 12.8.1988. She had admitted her son (E.Sridhar) in the 6th class against 33% boarding strength for children of servicing officers and Civilians in the King George School (Military School) Bangalore in 1981. He had completed his studies by the year 1986 after studying from 6th standard to 10th standard. The first respondent issued order on 5.4.1991 to refund Rs.3,000/- paid to the applicant towards alleged excess tutionfee for the study of E.Sridhar, the son of the applicant was not paid the hostel subsidy of Rs.3,000/-. Aggrieved by the action of the respondents to refund the said amount the present O.A. is filed by the applicant herein for the relief as already been indicated above.

3. Counter is filed by the respondents opposing this O.A.

4. It is the case of the respondents that by mistake that the applicant had been paid excess tution fee and

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.468/92

Date of order: 16.2.1993

BETWEEN :

Smt.E.Y.J.Rao

.. Applicant

A N D

1. Station Accounts Officer,
Air Force Station,
Begumpet, Hyderabad.
2. Commanding Officer,
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4. Chief of Air Staff,
Air Head Quarters,
Vayubhavan,
New Delhi.
5. Union of India, rep. by
the Secretary, Ministry
of Defence,
New Delhi.

[Respondent Nos. 5 added to the array of respondents as per Comt. order dt 9.6.92]



Counsel for the Applicant

ms. S. Tripura Sundari,
p.n.
.. Mr. Venkatachary ~~and~~
ms. Kalyani.
.. Mr. M. Jagann Mohan Reddy

Counsel for the Respondents

CORAM:

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

T. C. S. R.

the excess amount paid towards tuition fee is legal and valid. ***Hence, the respondents shall recover from the applicant the balance of the amount only after deducting the amount that has got to be reimbursed to her as per the Govt. of India, Central Civil Services (Educational Assistance) Orders dated 24.3.84.

It is only when a Central Government servant is transferred in the middle of an academic year that Hostel Subsidy is provided to the parent of the child so as to enable the child to continue the education at the place the child was studying, so that the studies during the academic year may not be get disturbed. Admittedly the applicant had not been transferred from Bangalore. We are not able to understand how the applicant who was working at Bangalore, after having admitted her child for her own convenience in the Hostel at Bangalore can claim Hostel Subsidy. ~~The Hostel Subsidy also seems to have been paid to the applicant erroneously.~~ So, the action of the respondents in not paying Hostel Subsidy to the applicant cannot be said to be wrong in view of the circumstances of the case. We see no merits in this O.A. and the O.A. is liable to be dismissed and accordingly dismissed, leaving the parties to bear their own costs.

CERTIFIED TO BE TRUE COPY
Date.....
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

contd... 51 -

Hostel Subsidy though the applicant is not entitled for the same and that the department is justified in initiating action for recovery of the same.

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According to the applicant, the applicant is entitled to be paid towards tution fee at the rate of Rs.60/- per month as that is the rate prescribed for students studying in Central Schools ^{and} so the action of the respondents to recover the tution fee on the ground that the excess amount had been paid is not correct. The learned counsel for the respondents has taken us through the Rule position, para 18 and 19 of G.O.I. Home Affairs (Dept. of Personal and Administrative Reform) Office Memorandum No. 180/1/80-Estt (Allowance) dated 24.3.1984 (enclosed as Appx- 'C') clearly says that a Government Servant shall be eligible to ~~the~~ reimbursement of tution fees payable and actually paid in respect of his child. Further, it says that the tution fees payable and actually paid by to a Government Servant in respect of his child may be reimbursed subject to the following limits:-

(a) Classes V to VIII Rs.5/- p.m.

(b) Classes IX to XII Fees approved by the Kendriya Vidyalaya which is * Rs.15/- per month for each of the classes.

The learned counsel for the applicant had not shown any rule position or instructions ~~contra~~ to the rule relied by the respondents. So, there is no doubt ~~about~~ the fact that the applicant had been paid by mistake tution fee at the rate of Rs.60/- p.m. even though she was not entitled for the same. So, the action of the respondents to recover

* Substituted as per orders dated 03.09.1993 passed in RP 20/

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