

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA.757/93

date of decision : 9-9-1993

Between

1. K. Sreenivasa Rao, &
2. Malleswara Rao : Applicants

and

1. The Asstt. Supdt. (TT)
Telegraph Office
Tenali

2. The Sr. Supdt.
Telegraph Traffic Division
Vijayawada

Dept. of Telecom
Ashok Bhavan
New Delhi

: Respondents

Counsel for the applicants : Krishna Devan
Advocate

Counsel for the respondents : N.R. Devaraj
Sr. SC for Central Govt.

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

Judgement

(As per Hon. Mr. P.T. Thiruvengadam, Member (Admn.)

The applicants are working as Telegraphists in the Telegraph office, Tenali. They had undergone pre-promotional theoretical and practical training, for the promotion to 19-2-1990 to 17-10-1990 and in DTO, Telegraph office, Guntur from 19-10-1990 to 17-11-1990. The applicants submitted

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their bills claiming daily allowance for both theoretical and practical training. On 1-2-1993, the first respondent returned the bills for re-submission by the applicants after the receipt of necessary orders from the Government. The applicants after some time resubmitted the bills to the first respondents. As no response was forthcoming, this O.A. was filed for declaration that the applicants are entitled for grant of DA for the period of theoretical training in Secunderabad and practical training in Guntur.

2. It is not in dispute that board and lodging facilities were not provided in either of the above places, viz. Secunderabad and Guntur. In a similar case filed before the Bench of Ernakulam, in O.A.No.315/89, DG P&T's order dt. 17.8.1987 which reads as follows, has been quashed.

" 1. I am directed to invite a reference to officeletter No.17/28/76-PAP dt. 18.8.1978 communicating the decision of the P&T Board that departmental officers deputed for training prior to appointment to higher posts of grades shall be allowed daily allowances during the period of training in accordance with the Ministry of Finance O.M.No.19013/1/75/EIV(8), dt. 22.9.75 as modified by the Ministry of Finance O.M.No.19013/3/76/EIV (8) dt. 17.11.77 read with para-2(c) of that Ministry O.M.No.19338/1/76-EIV(8) dt.30.1.78.

2. Ministry of Finance has now stated that the above orders are null and void as it falls outside the competence of this Department. It has, therefore, been decided to withdraw these orders with immediate effect. Past cases already decided need not be re-opened.

3. These orders shall stand cancelled from its issue.

4. This issues with the concurrence of PA(P) vide their Diary No.892, dt. 28.7.87."

3. As per SR.164(3) under FRSR, where board and lodging facilities are not provided,

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first 180 days whenever Government servants are deputed to undergo a course of training in India. A Bench of this Tribunal in O.A.No.1107/92 had also taken the view vide Judgment dt. 23.12.1992 that candidates deputed for such training are eligible for full DA for the first 180 days.

4. With regard to the issue of D.A. where the training is held separately for the theoretical aspects and separately for the field aspects at different locations, DG P&T's orders conveyed vide No.17-6/P&T PAP dt. 26.7.1982 are relevant. These orders provide that the applicants are eligible for full D.A. for the first 180 days of theoretical training at Secunderabad and for the entire period of field training at Guntur.

5. In view of the above, bills submitted by the applicants have to be passed allowing the bills in the light of the observations made in this order. Time for compliance is three months from the date of receipt of this order.

6. O.A. is ordered accordingly. No

P. J. J. J.
Member(A)

(V. Neeladri. Su.)
Vice

Dictated in the open court)
21 Sep., 1993.

Deputy Registrar (J)
82/10/93

1. The Assistant Superintendent(TT) Telegraph Off Jayawada.
2. The Sr. Supdt., Telegraph Traffic Div. Com, Ashok Bhavan, New Delhi.
3. The Director General, Dertan, Advocate, CAT.Hyd.
4. One copy to Mr. K.R. Devraj, Sr. CGSC. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER(A)

AND

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

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 9-9-1993

ORDER/JUDGMENT:

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

in

O.A.No. 757/93

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.

