

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 823/93

Dt. of Decision : 03-12-96.

P.R.N.Subramanya Sai

.. Applicant.

Vs

1. The Chief General Manager,
Telecom, A.P.Hyderabad.
2. Telecom District Manager,
Visakhapatnam-530 020.
3. The Accounts Officer,
O/o the Chief General Manager,
Telecom, A.P.Circle, Hyderabad-1. .. Respondents.

Counsel for the Applicant : Mr.C.Nageswara Rao

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

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

JRC

-2-

ORDER

ORAL ORDER (PER HON. SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

None appears for the applicant. Heard Mr.N.R.Devaraj, learned counsel for the respondents. The application is disposed of on the basis of the available material on record in accordance with Rule 15 (1) of the CAT (Procedure) Rules, 1987.

2. The point for consideration in this OA is that whether an officiating JAO could be deputed for training - a training pre-requisite for promotional post as JAO. This question arises in this way: the applicant was holding the post of JAO (officiating) from 26-12-92. He was sent for basic training, a training which was pre-requisite condition before taking charge as a regular JAO. While he was undergoing training at TTC Jabalpur he was paid TAS/DAs in accordance with the status as JAO. But subsequently it was revealed from the letters written by the P&T Board that an adhoc JAO sent for training should first be reverted to the lower post and then sent for training. During the period, the trainee is entitled for TA/DA only at the lower grade/rate and not at the rate applicable to the post of JAO.

3. The applicant in this OA was sent in the same status as an adhoc JAO and he was paid TA/DA at the rate applicable to the JAO. It is stated that inadvertently he was sent for the training in the status as an adhoc JAO and when that mistake was pointed out it was corrected by recovering the excess TA/DA paid to him while he was on training. It is also stated that the similar mistake had happened inadvertently in the cases of five others also. But the recovery had been made from 5 of them. ^{When} ~~Though~~ the recovery was made from the applicant also, he approached the Tribunal praying for reimbursement of the recovered amount.

Je

..3

-3-

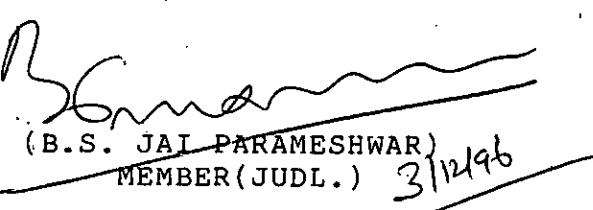
4. It is now to be seen whether the respondents sent the applicant inadvertently to the training course without reverting him to the lower grade.

5. The rule is very clear in this connection. None can go beyond what is provided for in the rule. The explanation that it was done inadvertently cannot be upheld if the rule is not followed. To make sure that such mistakes do not occur the concerned noting files are routed through number of tiers, so as to enable any one of the tiers to detect the mistakes, if any, in the proposal. In that view, a theory that the mistake had occurred inadvertently cannot be accepted at the face value.

6. But we are not trying to fix responsibility on any of the officials who committed the mistake. At the same time, we do not also want the case of the applicant jeopardised for no fault of his. Hence, we feel it justified if no recovery is made from the applicant for the excess payment made to him.

7. In the result, the OA is allowed and no recovery from the applicant for the excess payment of TA/DA should be made.

8. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)

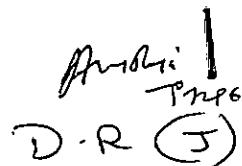
MEMBER (JUDL.) 3/12/96


(R. RANGARAJAN)

MEMBER (ADMN.)

Dated : The 3rd December, 1996.
(Dictated in the Open Court)

SPR


Amrit
D.R. (J)

..4..

O.A.NO.823/98

Copy to:

1. The Chief General Manager, Telecom, A.P., Hyderabad.
2. The Telecom District Manager, "izakapatnam.
3. The Accounts Officer, O/O The Chief General Manager, Telscom, A.P.Circle, Hyderabad.
4. One copy to Mr.C.Nageswara Rao, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj,Sr.CGSC,CAT,Hyderabad.
6. One copy to XxxLibrary, CIT,Hyderabad.
7. One copy for duplicate,.

YLKR

(47)

Oct/1996

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

The Hon'ble Shri B.S.Jai Parameshwar M(S)

DATED: 3.12.96

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

in
O.A.NO. 823/83

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLR

II COURT

