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C.P.No.24/94 in

O.A.No.390/93

Date of Order: 15.12.94

X As per Hon'ble Shri A.V.Haridasan, member (Judl.) X

This Contempt Petition has arisen out of order in O.A.390/93 dated 23.6.93. The OA was disposed of at the admission stage itself as the issue involved in the case was covered by several rulings of the Tribunal. The applicant was one among the 2 applicants who had undergone prepromotional training and the direction in the order was that they should be paid DA deducting ^{at} any amount if already paid. This order was to be complied with within 2 months. As the petitioner felt that there is a violation of the order by the respondents, in as much as, the DA payable to him for the period ^{underwent} ^W training has not been paid to him.

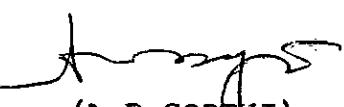
2. Heard Mr.Krishna Devan, learned counsel for the petitioner and Mr.N.R.Devraj, learned standing counsel for the respondents.

3. The respondents in their reply affidavit have indicated that in obedience with the judgement, payment of TA and DA was made to the second applicant while it could not be paid to the petitioner herein for the reason that on joining the post to which he was promoted on 20.1.92, the petitioner on 23.3.93 sought reversion and it was ^{the} allowed on condition that the period of training would be treated as eligible ~~of~~ leave and that TA and DA paid would be refunded by him.

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4. In the light of the fact that the petitioner has sought reversion on ^{the} condition that the period spent on ^{and} training would be treated as eligible leave TA and DA would be refunded, We are of the considered view that the petitioner is not entitled to get the DA. The direction of the judgement was to pay DA as per rules. Once the period of training was treated as eligible leave there is no question of payment of TA and DA for prepromotional training as per rules.

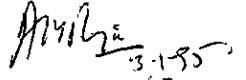
5. We find no merit in the CP and the same is dismissed.


(A.B.GORTHI)
Member (Admn.)


(A.V.HARIDASAN)
Member (Judl.)

Dated: 15th December, 1994

(Dictated in Open Court)


3-1994
Dy. Registrar (Judl.)

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