

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

D.A. No. 12/93

T.A. No.

Dt. of Decision: 8/1/93.

B.R. Prasad Singh

Petitioner

Sh. Krishna Devan

Advocate for
the Petitioner
(s)

Versus

Telecom Dist. Manager, Irunoor and 2 others. Respondent.

Mr. N.R. Desai

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (Judg.)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1, 2, 4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 12/93

Date of Order: 8.1.1993.

BETWEEN :

B.R.Prasad Singh

.. Applicant.

A N D

1. The Telecom District Manager,
Kurnool, Kurnool District.

2. The Chief General Manager,
Telecom, A.P.Telcom Circle,
Abids, Hyderabad.

3. The Director General of Telecom,
New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr.Krishna Devan

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

T - C - R - J

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, 1985 to direct the respondents to declare that the applicant is 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 O.A. in brief are as follows:-

2. The applicant was working as Transmission Assistant in Nandyal Telecom Sub-Division of Kurnool District in Andhra Pradesh. The applicant was deputed to undergo training in RTTC Secunderabad from 11.3.1991 to 5.4.1991 as per the orders of the 1st respondent dated 26.2.1991. On completion of it, the applicant was again directed to undergo training in RTTC, Vivekanandapur, Lucknow, from 7.4.1991 to 22.11.1991 as per the orders the Principal, RTTC, Secunderabad dated 5.4.1991. The respondents have paid only Travelling Allowance to the applicant for performing journey to Secunderabad and Lucknow where the applicant underwent the said training. The applicant was not paid Daily Allowance during the period of training. The applicant himself had borne all the expenses at Secunderabad and Lucknow during the period of training. The applicant had filed this O.A. for the relief as already indicated above.

3. Today we have heard Mr.Krishna Devan, Advocate for the applicant and Mr.N.R.Devraj, Standing Counsel for the respondents.

4. Mr. N.R.Devraj, Standing Counsel for the respondents vehemently contended that the applicant is not entitled to daily allowance for the period of training as per the Director-General's letter dt. 17.8.1987.

5. Admittedly the applicant had gone to undergo the said training in pursuance of the proceedings dated 26.2.1991 and 5.4.1991. The fact that the applicant herein had completed training at Secunderabad and Lucknow in pursuance of the said orders of the respondents is not in dispute in this O.A. Admittedly while undergoing the said training the applicant should have spent some amount towards boarding and lodging charges. For all purposes it has got to be taken that the applicant was "outside the headquarters on official duty while undergoing the said training". So as the applicant had been on official duty outside the headquarters it will be fit and proper to direct the respondents to pay the applicant the D.A. to which he is entitled in accordance with the rules. No doubt the contention of Mr. N.R.Devraj is that the said D.A. cannot be paid to the applicant in view of the letter dt.17.8.1987 issued by the Director-General. But no credence can be given to the said letter as already pointed out as it must be taken for all purposes that the applicant was on "duty" ^{permitted} during the said training. So, he has got to be paid the D.A. as already pointed out in accordance with the rules.

6. Apart from what we have stated above the Ernakulam Bench of C.A.T. in a ^{similar} ~~same~~ matter has held that the applicants therein (Bench ~~has~~ decided batch of O.As ^{O.A. 548/91 and 567/91 on 9.8.91} were entitled to get D.A. during the period of their training for appointment to the higher post of Assistant Superintendent of Telegraph, Traffic and the respondents were directed to draw and disburse the said amounts to the applicants in thos O.As for

the said period of training. The facts of this O.A. and the facts of the O.As ^{before} of the Ernakulam Bench are identical and same. So, it will be reasonable to allow the applicant the D.A. that he is entitled in accordance with rules and regulations. for the period of training he had undergone.

7. Hence, we direct the respondents to reimburse the applicant the daily allowance for which he is entitled in accordance with the rules for the period of training from 11.3.1991 to 5.4.1991 and 7.4.1991 to 22.11.1991 he underwent at Secunderabad and Lucknow. If any payments had already been made, the same shall be deducted from out of the amount that is payable to him in pursuance of this order of this Tribunal. This order shall be implemented within three months from the date of communication of the same.

8. With the above directions, the O.A. is allowed accordingly, leaving the parties to bear their own costs.

T. Chandrasekhara Reddy

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated. 8th January, 1993

(Dictated in Open Court)

Copy to:-

1. The Telecom District Manager, Kurnool, Kurnool District.
2. The Chief General Manager, Telecom, A.P.Telcom Circle, Abids, Hyderabad.
3. The Director General of Telecom, New Delhi.
4. One copy to Sri. Krishna Devan, advocate, CAT, Hyd.
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-
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13/1/93