

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1508/93.

Dt.of Decision : 20-10-94.

K. Krishnam Raju

.. Applicant.

Vs

1. Director Telegraph Traffic,
Telecommunication, A.P.Circle,
Vasant Vihar, Abids Road,
Hyderabad - 1.

2. The Chief Supdt.
Central Telegraph Office,
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. S.D.Kulkarni

Counsel for the Respondents : Mr. N.V.Ramana, Addl.CGSC.

CORAM.

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

..2

25/10/94

O.A.No.1508/93

Date of Order: 20.10.94

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

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The grievance of the applicant a Telegraphist is that the respondents refused to pay him either transfer TA or TA and DA as on tour when he was posted to Tandur from Hyderabad. When he made a request for TA it was rejected on the ground that the order of posting did not mention anything about the eligibility to TA. Subsequently another communication was received by the applicant that he was treated as a deputationist and he was either eligible for transfer benefit or for deputation allowance. The applicant represented to Chief Superintendent, C.T.O. to admit his claim of TA either as TA on transfer or TA of TA, DA claim by the respondents ^{on account of his absence} is illegal and arbitrary. Hence the applicant seeks a direction to the respondents to pay him TA as per rules.

2. The respondents in their reply have contended that as there was no stipulation in the order of posting that the applicant was eligible for TA he was informed that he was not entitled to TA. They have further contended that after the filing of this application the matter was reconsidered and the TA amount of Rs.1330/- has been paid to him as transfer TA and therefore the applicant has no more grievance.

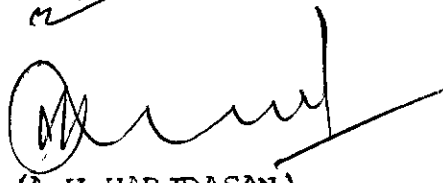
3. I have gone through the pleadings in this case and I have heard the arguments of the learned counsel for both the parties. The stand taken by the respondents in Annexure A-1 to the OA is that the applicant is neither

Copy to:-

1. Director Telegraph Traffic, Telecommunications, A.P. Circle, Vasant Vihar, Abids road, Hyd-1.
2. The Chief Supdt, Central Telegraph Office, Hyd.
3. One copy to Sri. S.D.Kulkarni, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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eligible to transfer benefit^{or} for deputation allowance is unjust and unsustainable. The applicant was driven to this Tribunal only on account of this unreasonable *stand* taken by the respondents. When the applicant applied for the transfer TA the respondents should have paid him that. If they have treated the posting of the applicant as deputation he should have ^{been} paid the deputation allowance. The question whether the posting of the applicant at Tandur is a transfer or on deputation has to be determined by scrutinising the order by which he was posted. A copy of this order is available at page 8 of the material papers as A-3. It is evident from the order that the posting of the applicant was not a deputation but was only an ordinary transfer. As the respondents have after filing this application paid him the transfer TA the applicant does not deserve to be paid any thing further on account of the transfer. The claim of the applicant that his transfer ~~was on deputation~~ ^{was not} within six months cannot be accepted. Since the respondents have driven the applicant, a low paid employee to the task of filing this application taking an unreasonable attitude, I find that interest of justice demands directing the respondents to pay cost to the applicant. Hence, as the TA claim of the applicant has been satisfied I dispose of the application directing the respondents to pay to the applicant Rs. 500/- as costs ^{of proceedings within} of receipt of this order.


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

Dated: 20th October, 1994

(Dictated in Open Court)

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24. Registrar (S)

In the C.A.T Hyd Bench
Hyd.

From Mr. A.V. Handan J.m

Badger

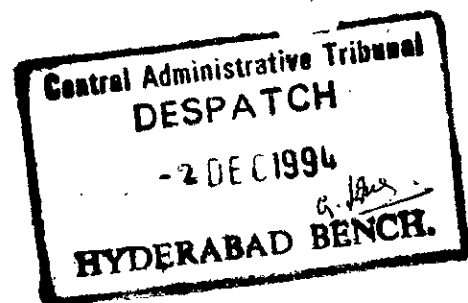
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O.A. 1508/93.

O.A. 1508/93 - in
no. order as to costs

20/11/94



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