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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.223/93

Date of Order: 17.3.1993

BETWEEN :

V.Satyanarayana

.. Applicant.

A N D

1. The Superintendent of Post Offices, Guntakal Division, Anantapur Dist., Andhra Pradesh.
2. The Supdt. of Post Offices, Kurnool Division and District, Andhra Pradesh.
3. The Director of General of Posts, 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 (JUDL.)

--- T.C.R

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 to direct the respondents to pay Daily Allowance to the applicant for the period of induction to Postal Assistant Training in PTC, Mysore from 30.3.1990 to 19.6.1990.

The facts giving rise to this O.A. in brief are as follows:-

The applicant was working as Group-D, LGO Cadre in Postal Stores Department, Guntakal, Anantapur District, A.P. In the year 1989, the applicant was selected in the examination for promotion to the cadre of Postal Assistant. Prior to such promotion, the applicant had undergone Induction to Postal Assistant training in Postal Training Centre in Mysore of Karnataka State from 30.3.1990 to 19.6.1990 as per the orders of the competent authority. After completion of training the applicant submitted two bills claiming TA and DA on account of said training. Only TA bill was passed and DA bill was not passed. According to the applicant the DA bill of the applicant was refused in the month of December 1990. Before the applicant was sent for training advance of TA had been paid to the applicant. A sum of 00/- was found to be excess towards TA that was paid. The applicant was recovered from the pay of the applicant in the months of December 1991, January 1992, February 1992 and March 1992. After issue of legal notice to the respondent on 2.1.1993 demanding the respondents to pay the applicant the DA and as there was no response from the respondents, the applicant had filed the present 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. Admittedly the applicant had undergone training due to orders passed by the competent authority with regard to induction to Postal Assistants Training in PTC Mysore. So, for all purposes the applicant must be deemed to have been on "official duty" outside the headquarters. In view of the orders passed by the Competent authority, certainly the applicant was entitled both for TA and DA. Admittedly the TA claim of the applicant had been upheld and the DA claim had been rejected. As the applicant had a right to be paid the DA for the period of training he had undergone at Mysore, the action of the respondents in not paying the DA to the applicant is not valid. Hence a suitable direction is liable to be given to the respondents for the payment of DA to the applicant for the period of training the applicant had undergone at Mysore.

5. Mr.N.R.Devraj, Standing Counsel for the respondents faintly argued that this O.A. is hit by limitation. According to the applicant the last instalment of recovery towards ~~not~~ advance that had been paid to the applicant is in the month of March 1992. This O.A. is filed on 15.3.1993. So, as the applicant had approached this Tribunal within one year from the recovery of the last instalment, we are of the opinion that this O.A. is well within time. The DA bill of the applicant as already pointed out is said to have been rejected in the month of December 1992. So, the applicant has a right to approach this Tribunal before the end of December 1992 for redressal of his grievance. If the date of disallowing the DA to the applicant is to be taken as the crucial date for giving rise to cause of action to file this O.A., no doubt

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about 3 to 4 months delay is there on the part of the applicant in approaching this Tribunal. In view of this short delay on the part of the applicant in approaching this Tribunal it will not be just and equitable to deny the just claim of the applicant. So, even if there is any delay on the part of the applicant in approaching this Tribunal this is a fit matter where the said delay had to be considered and accordingly we do not have any hesitation to condone the ^{said} delay in filing this O.A.

6. In the result, a direction is given to the respondents to pay DA for the period of induction to Postal Assistants Training the applicant had undergone in PTC, Mysore from 30.3.1990 to 19.6.1990. The respondents would be at liberty to adjust any amount if already had been paid to the applicant, from out of the amount that is payable to the applicant towards DA in pursuance of the orders of this Tribunal.

7. O.A. is allowed accordingly, leaving the parties to bear their own costs. This order shall be implemented within 3 months from the date of the receipt of the same.

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 17th March, 1993

(Dictated in Open Court)

Deputy Registrar (J)

To

1. The <sup>6th Superintendent of Post Offices,
Guntakal Division, Anantapur Dist.A.P.</sup>
2. The Superintendent of Post Offices, Kurnool Division
and District, A.P.
3. The Director of General of Posts, New Delhi.
4. One copy to Mr. Krishna Devan, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One spare copy.

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CHECKED BY *805* COMPARED BY
APPROVED BY *W*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

THE HON'BLE MR. R. BALASUBRAMANIAN :
MEMBER(ADMN)
AND

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

DATED: 17-3-1993

ORDER/JUDGMENT

R.P./ C.P/M.A.No.

in

O.A.No. 223/93

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

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

