

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 593/94.

Dt. of Decision : 5.7.94.

Shri T. Shoomaish

.. Applicant.

1. The Defence Pension Disbursing Officer,
Masab Tank, Hyderabad-500 028.

2. The Defence Pension Disbursing Officer,
Mudfort, Secunderabad-500 009.

3. The Controller of Defence Accounts,
506, Anna Salai, Teynampet,
Madras - 600 018.

4. Area Accounts Officer (CDA),
No.1 Staff Road,

Counsel for the Applicant : Mr. J. Ashok Kumar

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

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

O.A.No.593/94

As per Hon'ble Shri A.B.Gorthi, Member (Admn.)

The applicant who was ~~on the post of~~ ^{establishment 2}
~~as a watchman~~ was temporarily attached to DPDO, Mudfort, Secunderabad
vide office order No.4/89 dated 25.8.89. Eversince
he has been working at DPDO, Mudfort, Secunderabad.
His claim in this application is for a direction
to the respondents to pay him mileage allowance and
daily allowance at half ordinary rate for the working
days of the temporary attachment and full ordinary
rate daily allowance for the double duty days in the
first 180 days and interest over the amounts due.

2. Heard learned counsel for both the
parties. The applicant's counsel, in support of
his contention that the applicant should be deemed
to be ^{on} temporary duty with DPDO, Mudfort, Secunderabad
has drawn our attention to FRs 51, 61, 71 and 73. In
the Government of India orders printed below, 51 in
Swamy's Compilation of FRSR, ^{fr} ^{Pt II} are to, Travelling Allo-
wances, a reference is made to the daily allowance
to be paid for local journeys. The same is reproduced
below :-

"(8) Daily allowance for local journeys:-
At present daily allowance is not payable
for more than 60 days in cases where tem-
porary duty is performed by a Government
servant locally beyond 8 km from his head-
quarters. Hereafter, in cases of local
tours also, daily allowance at half rates,
will be admissible upto 180 days.

In cases where prolonged stay is envi-
saged at the temporary duty station beyond
180 days the appropriate course would be to
issue the necessary transfer order

(G.I., M.F., O.M.No.19030/5/86-E.IV, dated the 12th December, 1986).

The above would also apply to cases where any single assignment is performed in two or more spells and total period of duty at the temporary duty point is more than the prescribed days.

(G.I., M.F., O.M.No.19030/4/79-E.IV, dated the 24th June, 1982.)".

3. The above OM related to grant of daily allowance for temporary duty performed beyond the applicant, according to his own statement, was "temporarily attached" to the office of DPDO, Mud Fort, Secunderabad vide office order dated 25.8.1989. There is difference between temporary attachment and temporary duty and the daily allowance that is admissible to individuals performing temporary duties cannot obviously be given to those on temporary attachment.

4. S.R. 61 is to the effect that a Government servant is on tour when absent on duty from his headquarters either within or, with proper sanction beyond his sphere of duty. S.R.71 provides that daily allowance may not be drawn for any day on which a Government servant does not reach a point outside a radius of eight kilometres from the duty point at his headquarters or return to it from a similar point. In view of these two rules, the learned counsel for the applicant had contended that the distance between DPDO, Hyderabad and DPDO, Mud Fort, Secunderabad being more than 8 kms, the applicant would be entitled to daily allowance. Once again this plea has to be rejected for this simple reason that the applicant

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cannot be said to be on tour to DPDO, Mudfort, Secunderabad. His absence from his headquarters (DPDO, Hyderabad) is on account of the fact that he has been temporarily attached to the office of DPDO, Mudfort, Secunderabad and not because he was proceeding on tour to the latter office on temporary duty.

5. As regards the Government of India orders published below SR 73, they govern the rate of daily allowance for continuous halt upto 180 days. Accordingly, for a halt not exceeding 180 days an employee would be entitled to full daily allowance and beyond 180 days no daily allowance.

6. Looking at the facts of the case it will be difficult to accept the view that the applicant ~~which~~ working with DPDO, Hyderabad was on "temporary duty" with DPDO, Mudfort, Secunderabad. He was only on temporary attachment with DPDO, Mudfort, Secunderabad which seems to have been ordered as a matter of local arrangement. Consequently the applicant is not entitled to any daily allowance or mileage allowance.

7. The applicant, consequent to his temporary attachment with DPDO, Mudfort had to travel long distance from his home to the office. This long travel entail not only physical hardship to him at this old age (55 years) but also resulted in considerable extra expenditure on account of the travel. He represented his grievance on several

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Copy to:-

1. The Defence Pension Disbursing Officer,
Masab Tank, Hyderabad - 500 028.
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Mudfort, Secunderabad - 500 009.
3. The Controller of Defence Accounts,
506, Anna Salai, Teynampet,
Madras - 600 018.
4. Area Accounts Officer, (CDA),
No.1, Staff Road,
Secunderabad - 500 009.
5. One copy to Mr. J. Ashok Kumar, Advocate, CAT, Hyderabad.
6. ~~One copy to Mr. M. P. Duvvuri, an ex-CAT, Hyderabad.~~
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

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occasions to his superior officers but it seems no attention was paid to them. It is rather unfortunate.

o ~~the temporary attachment -- the~~
term itself indicates, is meant for an unexpected contingency as a temporary measure. The manner in which the respondents left the applicant on ~~temporary attachment with D.P.D.O. for such a long period 1~~
~~for such a long period 1~~
that the problem of employing a chowkidar at DPDO, Mudfort has not been properly considered. It is also not clear ^{as to} why the applicant should have been singled out for this kind of temporary attachment over a long period of 4½ years.

of the considered view that the applicant's temporary attachment with DPDO, Mudfort, Secunderabad deserves to be terminated as soon as possible. The respondents are, therefore, directed to revert the applicant back to the parent unit, i.e., DPDO, Hyderabad within a period of 30 days from the date of communication of this order. It is open to the respondents to make alternative arrangement at DPDO, Mudfort, Secunderabad in accordance with the extant rules.

10. O.A. is ordered accordingly without any order as to costs.

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

Dated: 5th July, 1994

(Dictated in Open Court)

sd

Prashant
Deputy Registrar (S) 17/7/94

TEMPED BY COMPARED BY
CHECKED BY APPROVED BY
HYDERABAD BENCH AT HYDERABAD.

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

AND
THE HON'BLE MR. A. B. G. RTHI : MEMBER(A)

AND

THE HON'BLE MR. T. CHANDRASEKHA R REDDY
MEMBER (UDL)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 5-7-1994.

ORDER/JUDGMENT:

M.A./R.A/C.A. NO.

in
O.A. No. 593/94

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

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

