

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 688/94.

Dt. of Decision : 20.7.94.

Mr. K. Apurvachandra Reddy

.. Applicant

Vs

1. Station Director,
A.I.R. Hyderabad.
2. The Director General
(Staff Welfare)
Akashawani, New Delhi-110 001. .. Respondents.

Counsel for the Applicant : Mr. K. Apurvachandra Reddy
(Party-in-Person)

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

CORAM:

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

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

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O.A. NO. 688/94

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

In this application the applicant has made a ~~7~~ to ~~7~~ a claim. Firstly he claims for a direction to Respondent No.1 to pay TA, DA/mileage allowance w.e.f. 7.4.92 under SR.25, SR.71 and SR.81. Secondly he claims/reimbursement of auto charges for his conveyance from his residence to the place of duty (H.P.T, Hayatnagar) on 11.2.92 and 16.12.92 transport was available.

2. The applicant on his joining A.I.R., resided on 3.6.91 took his residence at Kamanthapur in Habshiguda area. There is an arrangement of where by the departmental vehicle used to cover certain areas for picking up the staff of the A.I.R. and conveying to them to their place of work. This arrangement was withdrawn from 7.4.92. Consequently the applicant had to cover considerable distance in his own conveyance to the place of work.

3. Admittedly on 11.2.92 and 16.12.92 there was a local bunch resulting in the disruption of the public transport system. Consequently the applicant had no alternative but to hire an auto and reach his office. He submitted his claim for reimbursement of the auto charges ~~fare~~^{paid} by him but his claim was rejected.

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appeared before us in person and also Mr. N. R. Devraj, learned standing counsel for the respondents.

5. The grievance of the applicant seems to arise from the fact that the respondents withdrew the facility of the departmental vehicle covering Habshiguda area. In this regard the contention of the respondents is that the departmental vehicle is required to cover each and every point where a staff member resides it would almost be impossible to ~~know~~ pick up all the staff members and bring ~~them~~ to their place of work in time. A certain route is fixed for ~~driving~~ travelling the departmental vehicle and all the staff members are required to reach the nearest place from where they could make use of the departmental vehicle. Employees are charged some nominal amounts. In view of this and the fact that there is no provision for granting TA/DA in cases such as the one in which the applicant is placed, the respondents state that the applicant is not entitled to any TA/DA for his conveyance from his residence to the place of duty.

71 and 89. We have examined the same but we are unable to come to the conclusion that they cover ~~for~~ a contingency of this kind. There can be no dispute that if a government servant is sent on local tour provided, ~~he~~ can claim travelling allowance. But a claim for Travelling allowance/conveyance allowance from residence to the place of work is not provided for in any of the afore-stated rules.

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7. The applicant drew our specific attention to a note issued by the Superintending Engineer on 23.5.91 addressed to the Administrative Officer. The said note is to the effect that ~~if~~ due to non-availability of official transport on account of Bundhs/Rasta Rokos, the shift personal of A.I.R. may use other means ^{of transport} ~~to~~ reach their duty spots and that they may be reimbursed suitably. In this context the applicant has further stated that on two earlier occasions, on 5.8.91 and 20.12.91 when there was local disruption of public transport system, he travelled on his own for which the respondents ~~are~~ reimbursed ~~the applicant~~.

8. The respondents admit that on 5.8.91 and 20.12.91 the applicant was paid amounts covering expenditure on account of hiring transport to reach the duty spot as on those two days there was a local Bundh. The respondents however contend that the applicant on those two occasions was required to go ~~out~~ ^{out} ~~the~~ ^{the} usual hours of working but beyond. As regards his claim for reaching the office on 11.2.92 and 16.12.92 it was during the office hours and therefore it was decided that he would not be entitled to reimbursement of the auto charges.

6. After hearing both the parties and carefully examined ^{the} material before us, we find that the claim of the applicant for grant of TA, DA for his conveyance daily from his residence to office is not supported by any of the rules to which our attention has been invited. We cannot therefore lay down as a legal proposition that the applicant would be entitled to claim TA, DA for

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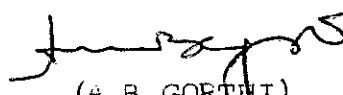
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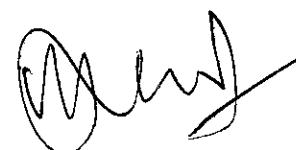
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his journey from office to residence merely because the departmental vehicle was not covering the area in which the applicant resides.

7. Next question of reimbursement of auto charges on the two occasions when there was no public transportation account of Bimduhs. except for what he stated in the Superintending Engineer's note on 25.3.91, there is nothing on record to indicate that the applicant could claim such reimbursement as a matter of right. It is entirely for the respondents to see whether his case is covered by the Superintending Engineer's note dated 25.3.91. In view of the case, the conveyance charges could be reimbursed to him. But we would ^{not} like to give any direction for payment of such reimbursement of the conveyance allowance because it does not seem to be supported by any rule.

In view of what is stated above we are unable to ~~accuse~~ to the request of the applicant as made in this OA, and the OA is therefore dismissed, but there shall be no order as to costs.


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


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

Dated: 20th July, 1994

(Dictated in Open Court)

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DEPUTY REGISTRAR(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD ✓

THE HON'BLE MR.A.V.HARIDASAN:MEMBER(J)✓

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)✓

Dated: 20.7.94 ✓

ORDER/JUDGMENT. ✓

M.C.R.5/C.P.NO.

in

O.A.NO.

O.A.NO. 688/94 ✓ (W.P.NO. →)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

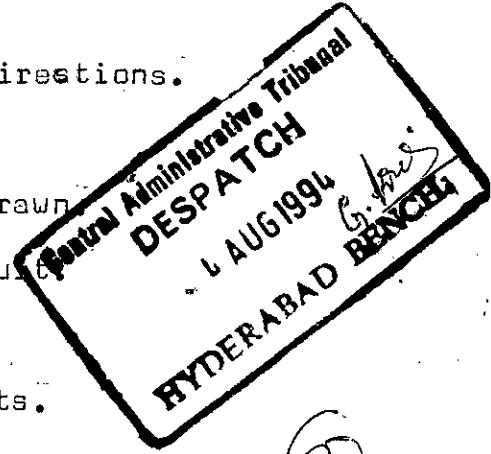
Dismissed. ✓

Dismissed as Withdrawn

Dismissed for Default

Rejected/Ordered.

No order as to costs.



25/7/04

25/7/94