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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 73/94.

Dt. of Decision : 25-8-94.

U.P. Ramaiah

.. Applicant.

Vs

- 1. The Civil Engineer (E), CPWD,
S.W. Zone (rep. by Union of India)
48, Vithal Das Thackersay Road,
New Marine Lines, Bombay-400 020.
- 2. The Superintending Engineer (E),
HCEC, CPWD, Nirman Bhavan,
Hyderabad - 500 195.
- 3. The Executive Engineer (E), HCEDI,
CBWD, Nirman Bhavan,
Hyderabad - 500 195.

.. Respondents.

Counsel for the Applicant : Mr. C. Suryanarayana

Counsel for the Respondents : Mr. K. Bhaskara Rao, Addl. CGSC.

CORAM:

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

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25/8/94

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O.A.No.73/94

Date of order:25-08-1994

ORDER

The applicant, while working as an Assistant in Engineer (Electrical), Central Public Works Department, was transferred from Madras to Bombay during March, 1990. He travelled first to Bombay, and his family members followed him later in May, 1990. For the purpose of his transfer travelling allowance, he drew an advance amount of Rs.5747/-. According to the applicant, he submitted his claim for the transfer TA on 21.5.1990. As the same was returned, he re-submitted the bill, after due corrections through 'Registered Post' on 14.10.1991. The respondents rejected his claim on the short plea, that it was made beyond the period of one year from the date, when the claim became due. The respondents in their reply affidavit have denied the applicant's contention that he had submitted the claim on 31.05.1990. According to the respondents, the applicant, for the first time, submitted the claim through 'Registered Post', which was received by the first respondent on 18.10.1991. Thus, as the claim was submitted after one year from the date it became due, it had to be rejected in terms of Rule 82 of SR 194-A read with Note-2 to General Financial Rules, 1963.

2. Heard learned counsel for both the parties.
3. According to SR 194A, the right of a Government servant to travel allowance, including DA is forfeited or deemed to have been relinquished, if the claim for it, is not preferred within one year from the date on which it became due. Note-2 to Rule 82 of

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General Financial Rules, 1963, deals with belated claims.

It reads as under:

"Note-2:-If the travelling allowance claim is not preferred by the administrative authority concerned for payment within one year from the date of its becoming due, it shall not be paid unless, the reasons for delay are investigated in detail by the authority competent to sanction investigation of the claims under Rule 83 and a specific sanction issued by it. If the investigation shows that the claim could not be preferred in time due to administrative delay without adequate and cogent reasons suitable action may be taken against the officer(s) concerned so that such delays do not recur in future."

4. The authority competent to authorise investigation on belated claims, should be informed of the reasons why it could not be submitted when it became due for payment. In the instant case, whereas, the applicant contends that he submitted the claim in time, i.e., on 21.5.1990, the respondents stoutly deny the same. Mr K. Bhaskara Rao, Standing Counsel for the respondents, has drawn my attention to a letter purporting to have been dated 15.3.91/15.7.91, which in any case was received by the first respondent on 18.10.91. In any case, the question whether or not the applicant submitted the claim in time, has to be determined by the competent authority, and if it is found that the claim was submitted belatedly, further action should be taken by the competent authority in terms of SR 194A read with Note-2 to Rule 82 of General Financial Rules, 1963. In view of the above rule position, this OA is disposed of in the following terms;

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- i) The applicant will submit to the authority competent to sanction the claim, a detailed representation stating therein, as to when and how he made the first claim for payment of transfer TA. He may also explain under what circumstances, he finally submitted the transfer TA bill through 'registered post' on 14.10.91 as stated by him in the OA.
- ii) The authority competent to sanction the claim will inquire into the circumstances of the case, and pass appropriate orders in terms of the aforesaid rule position.

It is needless to add that, if the competent authority is satisfied that either the claim was submitted in time, ^{concerned and in} or that, its submission was delayed for acceptable reasons, the claim of the applicant may be passed.

5. OA ordered accordingly with no order as to costs.

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

Dated: The 25th August, 1994

Dictated in the open court

Anil 26/8/94
DEPUTY REGISTRAR(J)

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Copy to

1. The Chief Engineer(E), CPWD, S.W.Zone, Union of India, 48 Vithal Das, Thackersay Road, New Marine Lines, Bombay-400 020.
2. The Superintending Engineer(E), HCEC, CPWD, Nirman Bhavan, Hyderabad - 500 195.
3. The Executive Engineer(E), HCEDI, CPWD, Nirman Bhavan, Hyderabad- 500 195.
4. One copy to Mr.C.Suryanarayana, Advocate, CAT, Hyderabad.
5. One copy to Mr.K.Bhasker Rao, Addl.CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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26/8/94*

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Compared by

Checked by

Approved by

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: 25.8.94.

ORDER/JUDGMENT. ✓

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

C.A. NO. 73/94. ✓
in

T.A. NO. _____

(W.P.NO.) →

Admitted (and Interim Directions
Issued.) ✓

Allowed. ✓

Dismissed of with directions. ✓

Dismissed. ✓

Dismissed as Withdrawn. ✓

Dismissed for Default. ✓

Rejected/Ordered. ✓

No order as to costs. ✓

No spare copy

