

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1435/95.

Dt. of Decision : 5-8-96.

D. Rama Rao

.. Applicant.

Vs

1. The Regional Director,
National Savings,
Govt. of India, Hyderabad.
2. The Dy. Regional Director,
National Savings,
Govt. of India, Nizamabad.

.. Respondents.

counsel for the Applicant : Mr. V. Venkateswara Rao

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

CCRAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)



CRDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.Satyanarayana for Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant while working as Driver-cum-Operator entered into some altercation with one Mr.C.Subramanya Sarma, who was working as District Savings Officer. It is also alleged that he misbehaved with Mr.C.Niranjan, Deputy Regional Director, National Savings, Nizamabad, R-2 herein. In view of the above a Criminal case was filed bearing No.S.T.C. 1719/92 under section 186 and 290 of IPC on the file of the Special Judicial Magistrate 2nd Class at Warangal. It is alleged in that case that "the applicant misbehaved with Mr.C.Niranjan (PW-2) and R-2 herein by using filthy language and committed nuisance by throwing office files from his table and also man-handled him, thereby causing obstruction while discharging his legitimate duties on 7-10-92 at 11 a.m. The accused was also charged with occupying the room meant for Mr.C.Subramanya Sarma".

3. In that criminal case the accused who is the applicant herein was acquitted by order dated 3-11-1993. During the course of hearing of that criminal case it is stated that the applicant went number of times to Warangal Court from Nizamabad. He applied for the TA & DA for the occasions he visited to Warangal Court on the plea that the case was instituted by the respondents in the official capacity and he attended the Court as an accused on official capacity. As the altercation took place inside the office witnessed by other department officials, the departmental officials charged him in the Criminal case and hence he is entitled for TA & DA for the journeys he undertook

from 2-1-1993 to 6-11-1993 to Warangal Court treating the case as a departmental case and on that basis payment of TA & DA.

4. The TA & DA returns filed by him for reimbursement was disallowed by R-1. He was further informed by the impugned letter No.27583-26584/TA Bill/DRR/DCO/NZB/95-A2 dated 6-9-95 (Annexure-IV) that he applied for EL only on private affairs which has been sanctioned. It is further ~~added~~ in the impugned letter dated 6-9-95 that he had attended the Court of Special Judicial Magistrate in a private case and is no way connected with duties assigned to him.

5. Aggrieved by the above, he has filed this OA for payment of TA & DA as per the bills submitted by him for the period from 2-1-1993 to 6-11-1993 for attending the criminal case at Warangal in the above said criminal case.

6. The main contention of the respondents in this case is that the quarrel which took place between him and Mr.C.Subramanya Sarma is of private nature and has nothing to do with the discharge of official duties. Further it is stated that the applicant did not get any permission to attend the Court to discharge official duties. He applied for leave on private account which was sanctioned and utilizing that leave he attended the Court. Hence, no relief can be given to the applicant by way of allowing his TA & DA claim. *could have*

7. The only point for consideration in this OA is whether the applicant attended the Court on official duties or his own private capacity.

8. The only proof to come to conclusion in regard to the issue indicated above is to see the leave application submitted by him to the respondents for sanction of the leave

during that period. A chart showing the leave asked for by the applicant during the period from 1-1-93 to 9-12-94 was produced by the learned counsel for the respondents. In this chart it is seen that on each occasion he asked for leave either on private account or on medical ground. Two of the leave application wherein he asked for leave during the period from 11-1-93 to 29-1-93 and 1-2-93 to 25-2-93 were seen. In these two original leave applications it is stated that he is taking the leave for the above period for private affairs. This random check of the leave application upholds the authenticity of the leave chart produced. The above documents were also seen by the learned counsel for the applicant. From the above it is evident that the applicant at no time applied for leave for attending the Court case mentioned above. He took leave on private account and attended the Court to defend his case. The applicant may have a case if he has applied for leave for attending the Court in connection with the criminal case which has arisen on account of discharge of his duties. But from the leave application it is crystal clear that he never asked for leave to defend his case in Special Judicial Magistrate Court, Warangal which case is reported to have been arisen in the discharge of his official duties. Hence it has to be held that the journey under took by him during the period from 2-1-93 to 6-11-93 is to perform some private work and in no way connected with the official duties. In view of the above it has to be held that the applicant performed the journeys mentioned in his TA form for some private purposes and cannot be treated as official duty. Hence for the journeys performed as above he cannot claim any TA & DA from the government.

9. In view of the foregoing, I am satisfied that the journeys performed by him during the period from 02-01-1993 to 6-11-93 is for private purposes and has nothing today with the

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discharge of the official duties and hence he is not entitled for reimbursement of any TA & DA as prayed for by him in this CA.

9. In the result, the OA is dismissed as having no merits. No costs.

one (R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 5th August 1996.
(Dictated in Open Court)

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Dy. Registrar (T)

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OA.1435/95.

Copy to:-

1. The Regional Director, National Savings, Govt. of India, Hyderabad.
2. The Dy. Regional Director, National Savings, Govt. of India, Nizamabad.
3. One copy to Sri. V.Venkateswara Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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09/14/35/95

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 5/18/96

ORDER/JUDGEMENT

D.A. No. /R.A./C.P. No.

D.A. No. 1435/95

ADMINTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

II COURT

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