

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 704/93

Date of decision: 17.3.94

NARAIN HARI

: Applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. J.K. Kaushik

: Counsel for the applicant.

Mr. Manish Bhandari

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

PER HON'BLE MR. JUSTICE D.L. MENTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

2. The learned counsel for the applicant has invited my attention to Representation dated 7.8.93 (Annexure A-4). It was submitted that upto April, 93, T.A. was granted to the applicant for his travel from Kota to Tirath. Thereafter, it was declined on the ground that it is less than 8 kms.

3. The respondents vide Annexure A-2, intimated the applicant that Tirath Crossing Station is less than 8 kms from Kota, as such, the claims of six persons including the applicant are rejected. This intimation was given vide Annexure A-1, dated 4.8.93 that they are not entitled for the same.

4. Mr. Kaushik submitted that there is no direct route other than bus route and the bus route is about 15 kms and not less than 8 kms. Mr. Bhandari, on the other hand, submits that the railway track route is about 3½ whereas Mr. Kaushik submits that the railway track is 6½ kms. Whatever is the distance but there is no dispute on this point that it is less than 8 kms.

5. Now, only the question which remains for consideration is whether the employees who are working on track can be allowed to claim the bus rates on the ground that the travel on the <sup>track</sup> is not safe particularly on the bridge. The second contention is that the respondents are having a practice of pick and choose and they are not entitled for the same. In the rejoinder, it was submitted that in September, 93, payment has been made to one

Welu Laxman and he has produced it at Annexure A-5. This point was argued and Mr. Bhandari submitted that it was a mistake and directions have been given to the Assistant Engineer to explain. Some payments have also been made to other persons and the respondents admit that the mistake has been committed in that case also. There cannot be a case of discrimination. If the respondents feel that it is a mistake then they should recover the amount from the persons to whom it was paid. In case, the amount is not recovered then it will amount to discriminating one employee with the other employee. In that case, the applicant will be entitled for the payment of T.A. Claims which are pending.

6. With these observations, the O.A. is disposed of accordingly, with no order as to costs.

  
( D.L. MEHTA )  
Vice-Chairman