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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :JAIPUR BENCH: JAIPUR.

O.A. No.503/1995

Date of order: 26.6.1998

1. Gordhan Singh S/o Shri Babu Singh, aged about 28 years.
2. Jagdish S/o Shri Narayan, aged about 29 years.
3. Babulal S/o Shri Nathi Lal, aged about 33 years.
4. Hari Singh S/o Shri Mool Chand, aged about 30 years.
5. Shiv Charan S/o Shri Roop Singh, aged about 29 years.
6. Mohan Pal S/o Shri Kesari Lal, aged about 33 years.
7. Nabi Chand S/o Shri Megh Singh, aged about 27 years.
8. Bhagwan Singh S/o Shri Birji, aged about 28 years.
9. Suraj Singh S/o Shri Haret, aged about 33 years.
10. Mahendra Kumar S/o Shri Soni Lal, aged about 34 years.
11. Om Prakash S/o Shri Dushra, aged about 36 years.
12. Gorakh Singh S/o Shri Sugra Singh, aged about 29 years.
13. Gopal Singh S/o Shri Paghunath Singh, aged about 34 years.
14. Fateh Singh S/o Shri Ramphool, aged about 29 years.
15. Hobat Singh S/o Shri Ramjilal, aged about 34 years.

All the applicants are employed on the post of D.C. Gangman under CTE P.W.I. Kota Division, Kota.

: Applicants

Versus

1. Union of India through General Manager, Western Railway, Western Railway, Churchgate, Bombay.
2. Sr. Divisional Engineer (1), Western Railway, Kota Division, Kota.
3. Permanent Way Inspector, Lakheri, Western Railway, Kota Division, Lakheri, Distt. Bundi.



4. Permanent Way Inspector, Kota (CTE), Western Railway, Kota Division, Kota.

: Respondents.

Mr. Shiv Kumar, counsel for the applicant
Mr. Manish Bhandari, counsel for the respondents

CORAM:

HON'BLE SHRI PATAK PRAKASH, JUDICIAL MEMBER

O R D E R

PER HON'BLE SHRI PATAK PRAKASH, JUDICIAL MEMBER

The applicant herein Shri Gordhan Singh and 14 others have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 to seek a direction against the respondents to make them the payment of TA & DA as per rule 1614 of I.P.E. Code Vol.(II) w.e.f. 21.10.1993 onwards alongwith interest at market rate.

2. Facts as asserted by the applicants are that they are presently working under respondent No.4, Permanent Way Inspector Kota (CTE), Western Railway, Kota Division, Kota as D.C. Gangmen. It is the grievance of the applicants that they are being sent for duty beyond 8 kms from their Headquarters at different places and have to go to Chandrasal, Dewood, Kalyanpura etc. and as such they are entitled to get TA & DA as per rule 1614 of I.P.E. Code Vol.II. The applicants earlier filed an OA No.395/93 Gordhan Singh and others Vs. Union of India and others Vs. Union of India and others before this Tribunal claiming TA & DA as per rules. This OA was disposed of by order dated 7.4.1994 (Annx.A/1). Since the decision dated 7.4.1994 was not implemented they filed a contempt petition No.51/95 in the Tribunal. During the pendency of the contempt proceedings, the respondents;

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according to the applicants; released the amount of TA & DA upto 20.10.1993. The contempt proceedings having been disposed of vide order dated 11.9.1995 (Annx.A/2), their request to receive the rest of the T.A. & D.A. amount was also turned down by the respondents vide their communication dated 9.6.1995 (Annx.A/3). Aggrieved, they have now approached this Tribunal to claim the aforesaid relief.

3. Respondents have contested this application by filing a counter. The stand of the respondents has been that though earlier the applicants' Headquarters was at Lakheri, but now their headquarters is at Kota, where they are receiving HRA & CCA as per rules for E-2 category of the City of Kota. It is averred that the applicants can be paid only TA as per Para 1102 of the I.R.E.M. Part-I and that Para 1614 of I.R.E. Code (Vol.II) is not applicable in the case of the applicants. It has also been averred that since the Headquarters of the applicants are at Kota now and the applicants have not given any details of their claim and have further failed to submit their TA bills to the concerned authorities; they have been appropriately informed vide Annexure A/3 dated 9.6.1995. It has, therefore, been urged that the application deserves rejection.

4. I heard the learned counsel for the parties and have examined the record in great detail.

5. From the pleadings of the applicant, it is not made out as to when exactly the applicants were deputed for duty beyond 8 Kms., from their earlier alleged Headquarters at Lakheri/Kota. They have also failed to give details for each


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of the applicant as to when and by whose orders each of them was ordered to work beyond 8 kms from his Headquarters and for what duration. In the absence of these details, it is impossible to come to a conclusion whether the applicants' claim to ask for the payment of TA & DA on the ground that they have been deputed to work beyond 8 kms from their Headquarters; is at all justified. This claim, therefore, is rejected.

6. For the reasons given above, this O.A., deserves rejection and is hereby rejected. The applicants, however, would be at liberty to approach the respondents to ask for the payment of T.A. & D.A. on account of their being deputed for duties beyond a distance of 8 kms; if they do furnish the necessary details/bills as per rules/law applicable to them.

7. The O.A. stands disposed of accordingly with no order as to costs.



(RATAN PRAKASH)

JUDICIAL MEMBER