

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 18/5/2001

OA No.193/2000

V.K.Kasliwal s/o Shri G.C.Kasliwal r/o A-6, Hospital Road, Ashok Nagar, C-Sheme, Jaipure, retired Director, Geological Survey of India, Rajasthan, Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary to the Government of India, Department of Geological Survey of India, New Delhi.
2. The Deputy Director General, Geological Survey of India, Jaipur
3. Director and Head of Office, Western Region, Geological Survey of India, Jaipur.

.. Respondents

Mr. S.K.Jain, counsel for the applicant

Mr. T.P.Sharma, counsel for the respondents

CORAM:

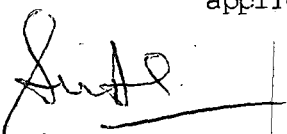
Hon'ble Mr. S.K.Agarwal, Judicial Member

ORDER

PER HON'BLE MR. S.K.AGARWAL, JUDICIAL MEMBER

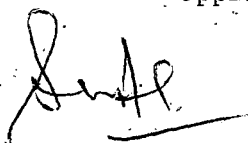
In this Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the prayer of the applicant is to quash the order dated 12.4.1999 (Ann.A1) and to direct the respondents to make payment of Rs. 22,530/- as Travelling Allowance (for short TA) on retirement to the applicant.

2. In brief, the facts of the case, as stated by the applicant, are that applicant retired from the post of Director,



Geological Survey of India stationed at Jaipur on 31.8.1997. It is stated that applicant decided to settle down at Lucknow and he submitted his willingness to settle down at Lucknow to the Department vide letter dated 11.8.1998 within the stipulated period. Thereafter applicant travelled by Air on 27.8.1998 alongwith his wife and reached Lucknow on 28.8.1998. The applicant submitted TA bill for Rs. 22,530/- for payment on 18.9.1998, but his TA bill was not passed. The applicant submitted representation dated 20.10.1998 and reminder on 28.10.1998, but his claim for TA after retirement was not passed and communicated to the applicant vide letter dated 12.4.1999 at Ann.A1. Thereafter, applicant sent reminder after reminder but with no result. Therefore, applicant filed this OA for the reliefs as above.

3. Reply was filed. In the reply it is stated that at the time of submission of pension papers applicant had indicated his present address of Jaipur in column No.6 and the same address after retirement in column No.7 of Form No.5. It is stated that applicant just before commencement of his journey for Lucknow informed the Department vide his letter dated 11.8.1998 that applicant wished to settle down at Lucknow and thereafter also submitted his TA bill from his Jaipur address. It is stated that applicant did not take his personal effects from Jaipur to Lucknow and failed to submit any positive proof of his settling down at Lucknow. Therefore, the TA bill was not passed. It is also stated that applicant still did not transfer his Bank Account for monthly pension to Lucknow and he did not get the CGHS card transferred to Lucknow. Therefore, applicant was asked to file an affidavit indicating the fact that he has settled down at Lucknow, but the applicant did not furnish the affidavit as required by the Department. Rather he has challenged the authority of the controlling officer asking such an affidavit. It is stated that applicant failed to give any proof of his permanent settlement at



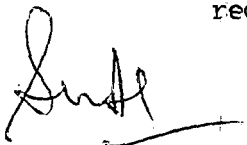
Lucknow and therefore, his TA bill was not passed and action of the respondents is not in any way arbitrary, illegal and against the rules. Therefore, the applicant has no case.

4. Heard the learned counsel for the parties and also perused the whole record.

5. The Government of India has issued instructions with reference to FR & SR 147 to sanction travelling allowance to a retiring Government servant and accordingly a retired Government servant shall be entitled to :-

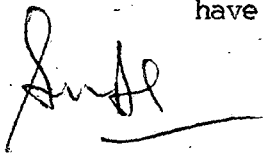
- a) Travelling Allowance in respect of journey by a Government servant and his family members from the last station of his duty to his home town or to the place where he or his family is to settle down.
- b) Composit travelling grant equal to one month's basic pay if the distance from the last station of duty is more than 20 Kms.
- (c) Transportation of personal effects at the scale of allowance laid down in order below SR 116.
- (d) Actual cost of transportation of Motor Car and other conveyance maintained by the Government servant.

6. Travelling Allowance to the retiring Government servant will be admissible by a shortest route from the last place of duty to his home town or to the place where he and his family members are to settle down permanently and this concession could be availed within one year from the date of his retirement. The competent authority can extend this period. In Swamy's Compilation of FR & SR Part-II, Travelling Allowance, below SR 147 Government of India's instructions regarding TA to retiring Government servants are given and according



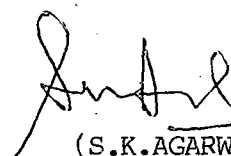
to these instructions, the countersigning authority before reimbursement of TA admissible to the retiring Government servant should satisfy himself as far as possible that the claimant and members of his family have actually performed the journey to the home town or the other place to which he might have proceeded to settle there i.e. by requiring production of original voucher relating to transportation of personal effects, conveyance etc."

7. Undisputed fact in this case is that TA claim of the applicant was not passed by the respondent Department on the ground that applicant failed to submit any positive proof of his settling down at Lucknow and in view of indications in column No. 6 and 7 of Form No.5 which the applicant has submitted before preparation of pension papers. According to the instructions issued by the Government of India for this purpose, the controlling officer is not required to satisfy before countersigning the claim of the applicant whether the applicant has settled down permanently at the place as per the declaration. What the countersigning authority is to see whether the claimant and members of his family has actually performed the journey to the home town or the other place to which he might have proceeded to settle there. Admittedly, the applicant indicated Jaipur address as his present address and the same address after his retirement while filling up Form No.5 and this has created confusion in the mind of the Department. Although the applicant has communicated to the Department vide his letter dated 11.8.1998 that he wished to settle down at Lucknow and admittedly his home town in the office record is Lucknow and applicant and his wife have travelled by Air from Jaipur to Lucknow on 27.8.1998 and thereafter applicant filed TA claim. Therefore, regarding the genuineness of the travel of the applicant and his wife, there can be no two opinion. The applicant and his wife have actually travelled by air on 27.8.1998 and reached Lucknow on



28.8.1998. The countersigning authority was not required to see the proof of the permanent settlement of the applicant at Lucknow. The only requirement was to see whether applicant and his family members travelled from the place of his last station of duty to the place of his home town or to a place where he wished to settle down. The applicant in column No. 6 and 7 of Form No.5 has indicated Jaipur as his present address and address after retirement, but thereafter within the specified period he has indicated his intention to settle down at Lucknow, his home town vide letter dated 11.8.1998 which was a sufficient compliance of the rule. Merely at the time of preparation of pension papers some information has been given by the applicant to the Department does not debar him from claiming TA after retirement when he has specifically communicated his intention to settle down at Lucknow, his home town. However, a revised Form No.5 may be obtained from the applicant indicating in column No. 6 and 7 the address of the applicant after retirement.

8. I, therefore, dispose of this OA with the direction to the respondents that as soon as applicant files a revised Form No.5, as indicated above, his TA bill may be passed and admissible amount of TA may be paid to the applicant within one month from the date of receipt of the revised Form No.5. No order as to costs.



(S.K.AGARWAL)

Judl.Member