

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 42/2003

DATE OF ORDER: 28.7.2003

1. Senior Accounts Officers/Accounts Officers Association, Office of the Accountant General (A&E), Rajasthan Jaipur through its Gen. Secretary, Shri D.K. Mathur resident of IV-II A.G. Colony, Bajaj Nagar, Jaipur.

2. D.K. Mathur son of Late Shri K.K. Mathur, Sr. Accounts Officer, resident of IV-II A.G. Colony, Bajaj Nagar, Jaipur.

... Applicants.

VERSUS

1. Union of India through its Secretary, Ministry of Finance, Department of Expenditure, New Delhi.

2. The Comptroller & Auditor General of India, 10-Bahadur Shah Zafar Marg, New Delhi.

3. The Accountant General (A&E), Bhagwan Das Road, Rajasthan, Jaipur.

... Respondents.

Mr. D.K. Mathur, Counsel for the applicant.

Mr. Gaurav Jain, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

The applicant has filed the present application whereby praying for the following reliefs:-

- "(1) That this Hon'ble Tribunal may kindly be pleased to call for the entire relevant record of the above case and perused the same OA of the applicant's may kindly be accepted and the impugned orders dated 22.2.2002 (Annexure A/1) and O.M. dated 3.10.97 (Ann. A/5) to the extend of classifying Jaipur city from 'A' class to B-1 Class, may be kindly be quashed and set aside and Applicant's may be granted Transport Allowances as per O.M. dated 24.5.1993 (Ann. A/2) and

O.M. dated 27.5.1994 (Annx. A/3) and O.M. dated 3.10.97 (Annx. A/4) and O.M. dated 3.10.97 (Annx. A/5) in the existing classification by treating Jaipur (UA) as 'A' class city and further no deduction & recovery of the Transport Allowance from the salary of the Applicant's may be made as per O.M. dated 22.2.2002 (Annx. A/1).

- (ii) Any other relief which this Hon'ble Tribunal deems fit and proper may also be granted in favour of the applicants.
- (iii) Original Application of the applicant be allowed with cost."

2. The notices of this application was issued to the respondents. The respondents have filed the reply. In the reply, the respondents have justified their action. However, in reply to Para No. 6 of the OA, it has been stated ^{That} the applicants have never represented for waiver of the recovery of excess payments made to the competent authority; instead they have challenged only the interpretation of the OMs in an attempt to show that the Transport Allowance was admissible at the higher rates and as such there was no question of any excess payment or consequently recovery. Further the applicants have not made a single representation before the Ministry of Finance i.e. Respondent No. 1 against classification of Jaipur as B-1 class city for the purpose of Transport Allowance. Thus without even exhausting the basic remedies available to them, the applicants have filed the case before this Tribunal.

3. In view of this categorical statement made by the respondents in the reply, it will be just and proper if the applicants are directed to make representation to the respondent No. 1 with copy to respondent No. 3 mentioning their grievances and in case such representation is made within three weeks from today, the competent authority will decide the same within eight weeks from the date of receipt of the copy of the representation. Till the

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representation is not decided, the respondents are restrained from recovering excess payment on account of transport allowance from the applicants. In case, the applicants are still aggrieved, liberty reserved to them to approach this Tribunal for redressal of their grievances.

4. With these observations, this OA is disposed of at admission stage with no order as to costs.


(M.L. CHAUDHARY)
MEMBER (J)