

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 262 of 2003

Jabalpur, this the 29th day of January, 2004

Hon'ble Mr. G. Shanthappa, Judicial Member

B.L. Gajbhiye, S/o Lalman Ji Gajbhaye  
aged about 56 years, Senior Auditor  
in the office of P & T Audit Office,  
Bhopal. R/o 28/3, Dr. Ambedkar Colony,  
Old Subhash Nagar, Bhopal M.P.

APPLICANT

(By Advocate - Shri Deepak Panjwani)

VERSUS

1. Comptroller and Auditor,  
General of India, New Delhi.
2. Director General of Audit,  
(P&T) Delhi - 110054
3. Deputy Director of Audit,  
Post and Telegraph, Audit Office,  
Bhopal (M.P.)

RESPONDENTS

(By Advocate - Shri S. P. Singh)

ORDER (ORAL)

The above OA is filed seeking a direction to the respondents to consider the representation of the applicant and reimburse him the amount he is entitled to.

2. The brief facts of the case are that the applicant had submitted his TA & DA claim which was incurred by him while performing the journey for attending his personal case OA No. 597/92 in this Tribunal. Since he did not submit a prescribed form, the respondents advised him to submit his T.A. claim in the prescribed form enabling the respondents to consider his request in accordance with Rules, the applicant has relied on Govt. of India's instruction No.3 reproduced below SR 155

3. The substantial question of law involved in this case is whether the applicant is entitled for TA & DA under the aforesaid decision of Government of India to



to attend the court in connection with his personal case against the Government ?.

3. The respondents have filed their reply and denied the averments made in the O.A. and their precise stand, is that the applicant is not entitled for TA and DA or any kind of allowance to attend his case before the Court.

4. I have heard the advocate for either sides and perused the pleadings, documents and the position of law

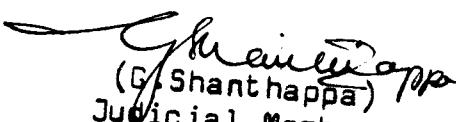
5. It is an admitted fact that the applicant had filed OA No. 597/92 against the respondents, before this Tribunal and he had submitted his claim for TA and DA for attending his case. I have gone through the Govt. of India decision No.3 reproduced below S.R. 155 which reads as follows :-

(3) T.A. for journeys for Court attendance of Govt. servants involved in legal proceedings-Orders regarding the provision of legal and financial assistance to a Government servant for the conduct of legal proceedings by or against him are contained in G.I.M.H.A., O.M. No.F. 45/5/53-Ests. (A), dated the 8th January, 1969(vide Annexure in Swamy's Compilation of Central Civil Services (Conduct) Rules, 1964). The extent of travelling allowance that should be reimbursed in such cases indicated below -

1. Proceedings initiated by Government in respect of matters connected with the official duties of reimbursement of cost to be considered by the UPSC under Article 320(3)(d) of the Constitution In view of this, T.A. as for a journey on tour based on the grade to which the Government servant belonged before suspension (if any) may be reimbursed by the Administrative Ministry concerned, provided the legal expenses incurred by him indending such proceedings are reimbursed to him, in full or in part, under the aforesaid Article of the Constitution. In case, where the journeys were performed by the Government servant by rail/steamer in a class lower than the class to which he was entitled before suspension, the fares of the class actually used, in addition to his other entitlements of T.A. as on tour, may be paid to him.



2. Proceedings instituted by a Government servant on his being required by Government to vindicate official conduct :- Same as against above.
3. Proceedings in respect of matters not connected with official duties or position of the Government servant :- No. T.A. is admissible.
4. Proceedings instituted by a Government servant with the previous sanction of Government to vindicate his conduct arising out of or connected with the official duties or position No T.A. is admissible.
5. Proceedings instituted by a private party against a Government servant in respect of matters connected with his official duties or position Defence undertaken by Government themselves, with consent of Government servant. T.A. as for a journey on tour may be paid to the Government servant concerned.
6. Proceedings instituted by a private party against a Government servant in respect of matters connected with his official duties or position Defence undertaken by Government servant : T.A. may be paid on the lines indicated against 1 above, subject to the further condition that the travelling expenses are not decreed by the Court of law as payable by the plaintiff.
6. It is evident from the aforesaid rule that if a Government servant undertakes his journey to attend the courts in connection with his official duties, then only he is entitled for TA. The advocate for the applicant has not been able to point out the correct position of rules to establish the case of the applicant. I have verified the facts of the case and the rules position, I do not find that there is a case for grant of any relief.
7. In this view of the matter, the OA is dismissed however, without any order as to costs.

  
(G. Shanthappa)  
Judicial Member