

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 22nd day of September, 2006

ORIGINAL APPLICATION No 478/2005.

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)
HON'BLE MR. J.P.SHUKLA, MEMBER (ADMINISTRATIVE)

M.C.Sukumaran
s/o late Shri Velayudhan M.K.,
r/o 101, Krishna Colony,
Naya Kheda, Amba Bari and
Retired from the post of Accounts
Officer-II, on 30.6.2002 from
Military Engineering Service
(MES/308026)

..Applicant

(By Advocate : Mr. C.B.Sharma)

Versus

1. Union of India through
The Secretary to the Govt. of India,
Department of Defence,
Ministry of Defence, New Delhi
2. Engineering in Chief,
Army Headquarter,
New Delhi.
3. Chief Engineer
MES Headquarter Southern Command,
Engineers Branch,
Pune.
4. Chief Engineer, Headquarters,
MES Jaipur Zone,
Power House Road, Bani Park,
Jaipur.
5. Assistant Accounts Officer (CDA-SC)
MES Khatipura Road, Jaipur.

.. Respondents

(By Advocate: Shri Kunal Rawat)

ORDER

The applicant has filed this OA thereby praying for the following reliefs:

- i) That the entire record relating to the case be called for and after perusing the same respondents may be directed to release due traveling allowance with composite grant on account of retirement after entertaining the claim of the applicant alongwith interest at the market rate.
- ii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- iii) That the costs of this application may be awarded."

2. Briefly stated, facts of the case are that the applicant retired on superannuation on 30.6.2002. On superannuation the applicant was entitled to shift his family and luggage to the place of his permanent residence. It is not in dispute that the applicant shifted his family (3 tickets) on 2nd July, 2002 and submitted claim for Rs. 12,239/- on 2.9.2002 including composite transfer grant of Rs. 7400/- which was paid to the applicant in March, 2003. However, the applicant did not submit claim for shifting of luggage and also not given any reason about not shifting of luggage. However, subsequently the applicant submitted an application dated 27.6.2003 seeking permission to

shift his luggage upto 31st December, 2003. However, the applicant has shifted his luggage from Jaipur to Ernakulam i.e. his permanent place of residence on 7.8.2004. The said claim was not given to the applicant, as such, the applicant has filed this OA thereby praying for the aforesaid relief.

3. The respondents in the reply have not disputed the facts as stated above. According to the respondents, the claim for luggage as submitted by the applicant was beyond limitation. According to the Govt. of India, Ministry of Defence dated 13th August, 1981 read with OM dated 17th March, 1998 reproduced under Rules 147 of Fundamental Rules and Supplementary Rules Pt. II the TA claim should be submitted within one year after retirement as per the existing rules. Thus, according to the respondents, the applicant is not entitled to the claim for luggage charges. The respondents have also stated that the applicant was granted composite transfer grant amounting to Rs. 7400. However, subsequently after retirement of the applicant, pay of the applicant was fixed at Rs. 7900/-, as such the difference of composite grant amounting to Rs. 500 (Rs. 7900-7400) is admissible to the applicant which he has not claimed. It is further stated that if application is received from the applicant, the same will be sent to the CDA SWC, Jaipur for their audit and payment.

4. The applicant has not filed rejoinder.

5. We have heard the learned counsel for the parties and gone through the material placed on record.

6. We are of the view that the applicant is entitled to the difference of composite transfer grant amounting to Rs. 500/- and claim of the applicant on account of shifting of luggage being time barred as the same was not submitted in terms of the Govt. of India, Ministry of Defence OM dated 13th August, 1981 read with OM dated 17th March, 1998 reproduced under Rule 147 of FRSR Pt.II. As such, the applicant is not entitled to the same. Admittedly, the applicant retired on 30.6.2002. He initially submitted a claim of Rs. 12,239/- towards shifting of his family and for Rs. 7400/- towards composite transfer grant which was paid to him. It was incumbent upon the applicant to shift the luggage within one year. Further, the application submitted by the applicant thereby requesting for transfer of his luggage upto 31.12.2003 i.e. just 3 days before the expiry of the prescribed limit. It does not disclose any reason why the claim was not submitted within the prescribed time of one year. The reason given for not submitting the claim is due to outstanding payment of arrears of pay on promotion to AO-II and payment of leave encashment which was not given, as such luggage could not be

shifted. At this stage, it will be useful to quote relevant portion of the letter dated 27.6.2003 which thus reads:-

"It is submitted that payment on the following are still outstanding:-

(a) Payment of Arrears of pay on my promotion to AO II.

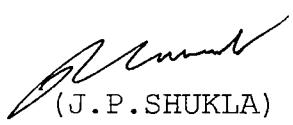
(b) Payment of Leave Eacashment.

2. The luggage has not been transported to my permanent address as the above payments are still outstanding. It is, therefore, requested that permission for transportation of luggage (Household item to my permanent address may pleased be granted upto 31.12.2003."

Thus, the reason given for not submitting his claim for transporation of the luggage cannot be said to be valid reason. Further, the applicant has requested time upto 31.12.2003 to shift his luggage. In fact the luggage was shifted on 7.8.2004 i.e. more than two year after date of superannuation of the applicant, as such, we are of the view that in case the claim of the applicant for transportation of luggage ~~is~~ rejected by the respondents, no infirmity can be found on that account.

7. Accordingly, the application is partly allowed to the extent that difference of composite grant amounting to Rs. 500/- shall be paid to the applicant by the respondents within one month from the date of receipt of request in that behalf.

8. With these observations, the OA is disposed of with no order is to costs.



(J.P.SHUKLA)

Member (A)



(M.L.CHAUHAN)

Member (J)