

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

OA 240/2010

28/05/2013

Sh. Amit Mathur, proxy Counsel for
Ms. Sangeeta Sharma, Counsel for applicant
None present for Respondent.

Case adjourned on the request of
Learned counsel for applicant (s) /
respondent (s). Put up for hearing

on 30/05/2013 OA 240/2010
Court Officer

30.05.2013

OA NO. 240/2010

Mr. Nitin Bhardwaj, proxy Counsel for
Ms. Sangeeta Sharma, Counsel for applicant
Mr. B. N. Sandhu, Counsel for respondent.

Heard.

O.A. is disposed of by a
separate order on the separate
Sheets for the reasons recorded
therein.

Anil Kumar

[Anil Kumar]
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 240/2010

DATE OF ORDER: 30.05.2013

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

G.R. Harsenia, aged about 62, retired Chief Accounts Officer, Bharat Sanchar Nigam Limited, R/o D-145, Nirman Nagar, Gautam Marg, Ajmer Road, Jaipur – 302019.

...Applicant

Mr. Nitin Bhardwaj, proxy counsel for
Ms. Sangeeta Sharma, counsel for applicant.

VERSUS

1. Bharat Sanchar Nigam Limited through the Chief General Manager, Rajasthan Circle, Jaipur.
2. The General Manager, Bharat Sanchar Nigam Limited, Ajmer – 305001.

...Respondents

Mr. B.N. Sandhu, counsel for respondents.

ORDER (ORAL)

The brief facts of the case, as stated by the applicant, are that the applicant retired from the service of Bharat Sanchar Nigam Limited on 31.10.2007 on attaining the age of superannuation. The applicant shifted from Ajmer to Jaipur on 04.06.2008 after his retirement. He submitted

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T.A. Bill for Rs. 32,176/- on 07.08.2008 before the respondent-department. This T.A. Bill had three components, which are as under: -

1. Composite tfr. Grant - Rs. 19600 + 9800
(One month's Basic Pay + DP)
2. Transportation of Household goods - Rs. 1696
3. Transportation of Car - Rs. 1080/-

The respondents have paid an amount of Rs. 32,176/- towards T.A. Bill to the applicant.

2. However, the applicant is claiming that he has submitted a revised T.A. bill of Rs. 46,186/- on the basis of revised pay that was sanctioned to the applicant after the 6th Central Pay Commission. Even this, the revised T.A. was approved by the General Manager on 18.04.2009. In support of his averments, the applicant has enclosed the copy of office note vide which the General Manager has approved the proposal of his revised T.A. Bill but he has not been paid this amount by the department and instead he has been informed vide annexure A/2, letter dated 07/13.07.2009, that the payment of T.A. bill has been made as per his entitlement according to the existing T.A. Rules, which comes to Rs. 32176/-.

3. Learned counsel for the applicant argued that since the General Manager has already approved the payment of Rs.

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46,186/- against his revised T.A. bill, therefore, he is entitled for that payment.

4. On the other hand, learned counsel for the respondents submitted that the revised T.A. bill is not within the time frame laid down under the rules. An employee has to submit the T.A. bill within one year whereas the applicant has submitted his revised T.A. bill after the period of one year, therefore, he is not entitled for his revised T.A. bill. He further submitted that as per the instructions dated 24.09.2008 (Annexure R/1), allowance and perks as per the Annexure of the instructions are to be paid on pre-revised pay of such officers in respect of whom implementation of recommendation of 6th CPC has been allowed. Therefore, the applicant is not entitled for the payment of his revised T.A. claim. However the learned counsel for the respondents could not clarify as to how the General Manager approved his revised T.A. bill if it was not according to the rules. He pointed out that the representation of the applicant dated 26.08.2009 (Annexure A/4) is pending consideration of the respondent-department and the respondents are willing to reconsider the case of the applicant and decide the representation of the applicant dated 26.08.2009 according to the provisions of law.

5. Heard the learned counsel for the parties and perused the documents available on record.

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6. It is not disputed that the revised T.A. Bill of the applicant was approved by the General Manager on 18.04.2009. It is not clear as to why the applicant was not made payment of the revised T.A. Bill after the approval of the competent authority. However, since the representation of the applicant is pending before the respondents, in the interest of justice, the respondent no. 2 is directed to consider and decide the representation of the applicant dated 26.08.2009 (Annexure A/4) according to the provisions of law and shall pass a reasoned and speaking order expeditiously but in any case not later than a period of one month from the date of receipt of a copy of this order.

7. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application in accordance with the provision of law.

8. With these observations and directions, the Original Application is disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER