

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Barhls
29.1.18

IN. No. (DA)
CP No. (DA)

In A.N. Gopal

VERSUS

Union of India & ors

APPLICANT(S)

RESPONDENT(S)

Mr. B.K. Sharma & Sons, Advocate for the applicant.

B. K. Sharma & Sons

Mr. G. Sarma, Addl. C.G.S.C. Advocate for the Respondents.

Office Notes

87

Court's Orders

This application is in
form and within limit
C. P. of Rs. 50/-
deposited vide
JTO No. 524496
Dated 30.7.96

6.8.96

Mr. S. Sharma for the applicant
Mr. G. Sarma, Addl. C.G.S.C. for the
respondents.

By consent list for admission
on 9.8.96.

S/for
H.P. Registrar
5/8/96

60
Member

PG

✓
6/8

9.8.96

Learned counsel Mr. B.K.
Sharma for the applicant. Mr. G. Sarma
learned Addl. C.G.S.C., for the
respondents.

List for consideration of
admission on 13.8.96.

21-8-96

Notice issued to the
respondents vide D. No.
2696 dt 22.8.96

60
Member

nkm

13-8-96

Learned counsel Mr. B.K.
Sharma for the applicant. Learned
Addl. C.G.S.C. Mr. G. Sarma for the
respondents.

Heard Mr. B.K. Sharma for
Admission. Perused the contents
of the application and reliefs
sought for. Application is
Admitted. Issue notice on the
respondents by registered post.

B.K.

6.9.96
Notice duly served
on respondent No. 4.

B.K.

contd/-

13-8-96 Written statement within 6 weeks.

✓ List for written statement and further order on 24-9-96.

Steps within 3 days.

lm

69
Member

✓
13/8

20-9-96

24.9.96

Mr S.Sarma for the applicant.

Written statement has been submitted. Case ready for hearing.

List for hearing on 18.10.96.

WTS filed by me
Revised at pg. 31-51.

69
Member

Service Ready on Resptt
no. 4.

pg
13/9

18.10.96

None for the applicant.

Mr. G.Sarma, Addl.C.G.S.C. for the respondents.

List for hearing on 6.12.1996.

9. 10-96

Addl. WTS filed on
behalf of Resps. at pg.
52-53.

trd
13/10

11-4-97

28.5.97

Mr S.Sarma for the applicant. Mr G.Sarma
Addl.C.G.S.C for the respondents.

The case is ready for hearing. List on
4.6.97 for hearing.

✓ 1/ W/S filed on
behalf of The
Respondents.

2/ Addl. W/S filed
on behalf of the
Respondents.

pg
13/15

✓ 1/ W/S and Addl. W/S has
been filed.

✓ 1/6 Memo of appearance

69
Member

4.6.97

Mr G.Sarma, learned Addl.C.G.S.C is present and ready for hearing. However, Mr S.Sarma, learned counsel for the applicant submits that he may be allowed short adjournment for further clarification of the case. Prayer allowed.

Hearing adjourned to 18.6.97.

62
Member

pg

5/6

18-6-97

Srd A.N.Gupta applicant in person is present. Hearing is adjourned to 9-7-97.

62
Member

lm

9/6

9-7-97

Mr.S.Sarma learned counsel on behalf of Mr.B.K.Sharma seeks adjournment for further instructions. None for the respondent. Hearing adjourned to 23-7-97.

62
Member

lm
10/7

23.7.97

Heard the learned counsel for the parties. Hearing concluded. Judgment reserved.

62
Member

nkm

20.8.97

Mr S.Sarma for the applicant and Mr G.Sarma, learned Addl.C.G.S.C for the respondents.

Judgment pronounced. Application is disposed of in terms of the order. No order as to costs.

9.9.77
copy of the Judgment
has been sent to the
Secy. for issuing the same
to the applicant and to
L/Advocate for the
respondents.
S. Dattu v/s
7024 m 3135

62

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI-5.

O.A. NO. 136 of 1996.
T.A. NO.

DATE OF DECISION 20-8-1997.

Shri Aryendra Nath Gupta

(PETITIONER(S)

Shri S. Sarma.

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (s)

Shri G. Sarma, Addl.C.G.S.C.

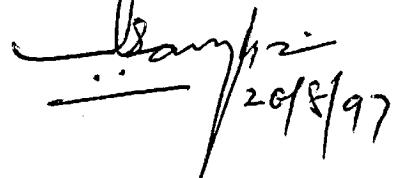
ADVOCATE FOR THE
RESPONDENT (s)

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member


20/8/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.136 of 1996.

Date of Order : This the 20th Day of August, 1997.

Shri G.L.Sanglyine, Administrative Member.

Shri Aryendra Nath Gupta
presently working as Surveyor of Works
(Civil) under Superintending Engineer,
Telecom Civil Circle,
Laitumkhrah, Shillong. Applicant.

By Advocate Shri S.Sarma, B.K.Sharma.

- Versus -

1. Union of India
represented by the Secretary,
Ministry of Telecommunications,
New Delhi.
2. The Director General, Telecom,
Sanchar Bhawan,
20, Ashoka Road,
New Delhi-1.
3. The Chief General Manager,
North Eastern Telecom Circle,
Shillong.
4. The Superintending Engineer,
Telecom Civil Circle, Upland Road,
Laitumkhrah, Shillong. Respondents.

By Advocate Shri G.Sarma, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

In this application the applicant seeks the following
reliefs :

- (i) To set aside and quash the order dated 16.5.96
by which the request of the applicant for
cancellation of his bill dated 25.10.95 was
rejected.
- (ii) To set aside and quash the order dated 7.6.96
rejecting the revised bill of the applicant as
time barred and threatening recovery from salary.

iii) Issue a direction to the respondents to process and pass the revised bill of the applicant dated 23.5.96 by condoning the delay in submitting the bill and to restore his pay.

2. The facts of the case in short are, on 4.11.1994 the applicant was promoted from Assistant Engineer(Civil) to officiate in the grade of Executive Engineer(Civil) for a period of 89 days with effect from the date he assumes charge of the post. The applicant was posted as SW(Civil), TCC, Shillong. He proceeded from New Delhi to Shillong on 14.11.1994 and arrived in Shillong on 16.11.1994 to take over the charge. He again went to New Delhi on 3.2.1995 and return to Shillong on 26.2.1995. He submitted his transfer travelling allowance (TTA for short) bill for Rs. 23,849/- on 25.10.1995 for journeys above. This bill was passed on 14.5.1996. During the pendency of the claim he submitted a letter dated 28.3.96 requesting the controlling officer that his aforesaid claim of TTA bill may be treated as cancelled and he indicated that a fresh claim would be submitted by him. On 16.5.1996 the competent authority informed the applicant that his TTA claim vide letter dated 28.3.1996 could not be entertained as per S.R 194-A. He further informed the applicant that his TTA bill submitted vide letter dated 25.10.1995 was passed for an amount of Rs.10,897/- and that a sum of Rs.14,103/- was to be recovered from him against the amount of Rs.25,000/- drawn by him earlier as TTA. On 23.5.1996 the applicant submitted a revised T.A bill for Rs.25,474/- to the Controlling Officer with a request to pass the same. In the letter he had indicated the reason for the delay in submission of the revised T.A bill but he had not prayed for condonation of delay in submission of

the bill. The competent authority however, on 7.6.1996 intimated the applicant that the reasons stated for delay in submission of the revised T.A bill are not satisfactory and the claim became time barred. The applicant appealed to the Respondent No.3 on 14.6.1996 for condoning the delay in submission of the revised T.A bill. He again appealed to him on 1.7.1996. There was no reply. The applicant submitted this original application on 2.8.1996. It has however, transpired that the appeals were rejected by respondent No.3 on 1.8.1996 according to Annexure-6 to the written statement.

3. Heard counsel of both sides. The questions for determination in this original application are :

i) whether the competent authority/controlling officer is competent to pass the first TTA claim of the applicant after the applicant himself had on 28.3.1996 cancelled and withdrawn the TTA bill submitted by him on 25.10.1995,

ii) whether the competent authority/controlling officer has the power to condone the delay in submitting the second or revised TTA claim submitted by the applicant on 23.5.1996 ?

iii) Whether there is any legal defects in the rejection to condone the delay in submission of second/ revised TTA bill.

4. The applicant had withdrawn his claim dated 25.10.95 on 28.3.96. This claim was pending final settlement at the time when withdrawal or cancellation was made by the applicant. In my opinion when pending final settlement of the claim the claimant himself had voluntarily withdrawn or cancelled his claim, it was not open to the controlling

officer to pass the claim of TTA bill for payment on the basis of the cancelled or withdrawn claim.

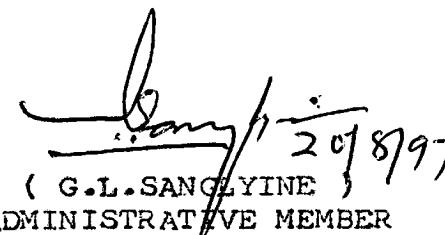
5. The second or revised TTA bill was submitted by the applicant on 23.5.96. According to the respondents the reasons in support of the delay given by the applicant are not satisfactory and the bill was time barred. Hence the claim was rejected by the competent authority, respondent No.4, on 7.6.1996 which was affirmed by respondent No.3 on appeal on 1.8.1996. It has been admitted by the applicant that the submission of the second or revised TTA bill was late by 8 days taking 15.5.1996 as the due date for its submission. The provisions of S.R 194-A read thus :

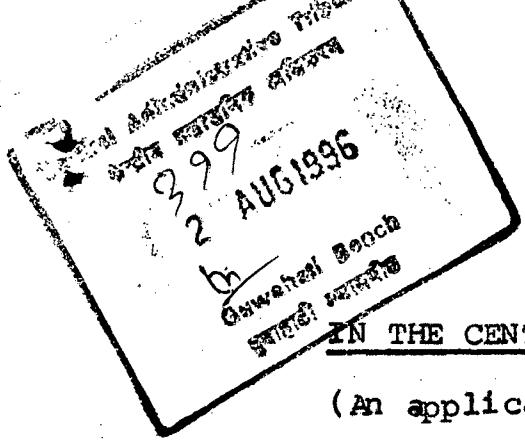
"S.R. 194-A. The right of a Government servant to travelling allowance, including daily allowance, is forfeited or deemed to have been relinquished if the claim for it is not preferred within one year from the date on which it became due."

The question is whether the terms of S.R 194 permits the controlling officer to condone a belated claim of T.A including Daily Allowance (DA). The respondents contend that there is no provision for condonation of delay by any authority. The learned counsel for the applicant on the other hand had relied on Order (2) below S.R.194-A and submitted that belated claims can be condoned. On perusal of this order however, it shows that it does not relate to claims submitted by the employee before the controlling officer but it relates to claims preferred by the administrative authority before the Treasury. Therefore, the contention of the learned counsel is of no help to the applicant. The position is that the terms of the S.R. 194-A do not stipulate condonation of belated

claims of TA/DA and the applicant in this case is unable to show any other rules/regulations or order of any competent authority of the respondents providing scope for condonation of such belated claims. This notwithstanding, the authority can exercise the power of condonation of delay if there is sufficient cause for such delay and in fact, such power was exercised by the respondent No.4 when in para 3 of his letter dated 7.6.1996 he has stated that the reasons for the delay in submission of the revised TA bill were not satisfactory as the reason given pertains to the records of the applicant himself. This shows that had the reason given by the applicant in support of the delay been satisfactory the delay could have been condoned. The ground given by the applicant in his letter dated 23.5.1996 in support of the delay in submission of the revised TTA bill is non-availability of leave period details. The period of earned leave is relevant for the purpose of calculation of D.A. The applicant was on leave from 6.2.1995 to 24.2.1995. The respondent No.4 in his order dated 7.6.1996 refused to condone the delay on the ground given by the applicant as the details of leave were known to the applicant himself being matter of his own records. In my opinion there is no perversity, ulterior or vindictive motive or arbitrariness in the aforesaid order of the respondent No.4. Further, the applicant cannot agitate in this application against the order dated 7.6.1996 passed by the respondent No.4 without agitating against the appellate order dated 1.8.1996 issued by the respondent No.3 as the earlier order had merged with the later order. In the result, I do not find any merit in the claim of the applicant pertaining to the second/revised TTA bill.

The application is disposed of as indicated above.
No order as to costs.


20/8/97
(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the Case : O.A. No. 136 of 1996

Shri Aryendra Nath Gupta ... Applicant

- Versus -

Union of India & Others ... Respondents

I N D E X

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*Copy already
Received on Mr. G. Sheron
Mr. C.G.S.C.*

For use in Tribunal's Office :

Date of filing : 2 - 8 - 96
Registration No. : OA 136/96

REGISTRAR

O.A. No. 136 of 1996

BETWEEN

Shri Aryendra Nath Gupta,
Presently working as Surveyor of Works (Civil),
under Superintending Engineer,
Telecom Civil Circle,
Laitumkhra, Shillong.

... Applicant

AND

1. Union of India,
represented by the Secretary,
Ministry of Telecommunication,
New Delhi.
2. The Director General, Telecom,
Sanchar Bhawan,
20, Ashoka Road,
New Delhi-1.
3. The Chief General Manager,
North Eastern Telecom Circle,
Shillong.
4. The Superintending Engineer,
Telecom Civil Circle, Upland Road,
Laitumkhra, Shillong.

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The application is directed against the order dated 16.5.95 rejecting the prayer of the applicant for cancellation of his earlier T.A. Bill (Annexure-5) and against order dated 7.6.96 rejecting the revised bill as time barred (Annexure-7).

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protection and privileges guaranteed under the Constitution of India.

4.2 That the applicant is presently working as Surveyor of Works (Civil) under the Respondent No. 4. The post of the applicant is a Class-I post.

4.3 That prior to his present place of posting ~~xxxx~~ at Shillong, the applicant was working at New Delhi. By an order dated 4.11.94, the applicant alongwith others was promoted to officiate in the grade of Surveyor of Works (Civil) for a period of 89 days with effect from the date he ~~xxxx~~ assumes of the charge of the post. The name of the applicant appears at Sl. No. 18 of the order dated 4.11.94.

A copy of the aforesaid order dated 4.11.94 is annexed herewith as ANNEXURE 1.

4.4 That the aforesaid order of promotion was for a period of 89 days ~~and~~ only and accordingly, the applicant was entitled to travelling allowances and daily allowances for the period he works on the strength of the Annexure-1 order. The office at New Delhi by an order dated 10.11.94 accorded sanction of transfer T.A. advance of ~~Rs.32,000/-~~ Rs.32,000/- only with regard to the promotion and transfer of the applicant pursuant to the order dated 4.11.94. Although the applicant was entitled to an amount of Rs. 34,808/- in terms of the calculation made by the office at New Delhi, the applicant applied for an amount of Rs.32,000/- and accordingly, the aforesaid sanction was accorded. However, the applicant accepted an amount of Rs.25,000/- only as advance.

A copy of the sanction order dated 10.11.94 is annexed herewith as ANNEXURE-2.

4.5 That the applicant states that after he joined at Shillong, he submitted a T.A. Bill dated 25.10.95 for an amount of Rs. 23,849/-.

*Arrived in
SITG on 16/11/94
Joined?*

A copy of the T.A. Bill dated 25.10.95 alongwith a covering letter is annexed herewith as ANNEXURE-3.

4.6 That the applicant states that ~~now~~ after he submitted the aforesaid T.A. Bill dated 25.10.94, he found that the Bill was not in order and he was entitled to amount more than one shown in the T.A. Bill dated 25.10.95. Therefore, the applicant on 28.3.96 wrote to the respondent No. 4 praying for cancellation of his T.A. Bill submitted on 25.10.95 indicating that he would submit a fresh and modified T.A. Bill.

A copy of the aforesaid letter dated 28.3.96 is annexed herewith as ANNEXURE-4.

4.7 That inspite of the aforesaid letter dated 28.3.96 and inspite of the fact that the applicant did not submit his fresh and modified T.A. Bill, yet the respondent No. 3 by a communication dated 16.5.96 intimated the applicant that the transfer T.A. claimed of the applicant as made in letter dated 28.3.96 could not be entertained and the earlier bill dated 25.10.95 has been passed for an amount of Rs.10,897/- It was further stated in the aforesaid communication that the applicant has to intimate the office within 7 days as to whether the balance amount is to be recovered from any amount due or whether the applicant would deposit the amount in one instalment.

Copy of the aforesaid communication dated 16.5.96 is annexed herewith as ANNEXURE-5.

4.8 That the applicant states that the respondent No. 4 passed the T.A. Bill of the applicant as submitted on 25.10.95 ignoring his prayer for cancellation of the said bill and thereby disallowing the second journey to bring the family of the applicant. Further the luggages were restricted to 1/3rd of the entitlement. On receipt of the aforesaid communication dated 16.5.95, the applicant wrote to the respondent No. 4 on 23.5.96 explaining the circumstances under which the submission of the revised T.A. Bill was delayed. The applicant explained that due to non-availability of leave period details, he could not submit the T.A. Bill earlier and since he has collected the said details from record, the

revised bill has been submitted. The applicant further pointed out that he could not bring his family when he first was transferred and explained that because of last minute decision concerning more pressing family circumstances, the family of the applicant could not accompany him. The applicant pointed out that the journey of the family members should not be disallowed to his disadvantage for which he has actually incurred the expenditure. The applicant further urged that even if his luggage and transportation is restricted to 1/3rd of the entitlement since he could not bring his family he was entitled to daily allowance for 180 days on posting order not exceeding 180 days and thus the entire advance amount would be recovered. The applicant submitted a revised T.A. Bill alongwith his letter dated 23.5.96.

A copy of the letter dated 23.5.96 alongwith the revised T.A. Bill is submitted is annexed as ANNEXURE-6.

4.9 That thereafter by an order dated 7.6.96 the respondent No. 4 rejected the revised T.A. Bill of the applicant as being time barred. By the same order, the applicant was informed that recovery of the excess amount of the advance taken shall commence from the pay bill of June 1996 if not deposited in one lump sum by the applicant.

A copy of the order dated 7.6.96 is annexed herewith as ANNEXURE-7.

4.10 That the applicant was shocked to have received the aforesaid order. The said order has been passed malafide with a vindictive attitude. The applicant is his letter dated

23.5.96 explained his entitlement and there was no reason for the respondent No. 4 to have not considered ~~his~~ the applicant's revised bill. The only ground that has been given for cancellation of the revised bill is that the subsequent claim has become time barred. However, it was well within the jurisdiction of the respondent No. 4 to condone the delay, if any more so when the applicant way back on 28.3.96 requested the respondent No. 4 for cancellation of his earlier bill dated 25.10.95. For reasons best known to the respondent No. 4 he was in a haste to reject the subsequent claim of the applicant and has passed the first bill for reasons other than bonafide..

4.11 That the applicant states that as against the aforesaid order dated 7.6.96, the applicant preferred ~~an appeal~~ before the respondent No. 3 on 14.6.96. In his appeal, the applicant explained the circumstances under which he prayed for cancellation of his first T.A. Bill dated 25.10.95 as the same was incomplete and as ~~the~~ omitted to include the D.A. for 161 days. The applicant further explained the reason for the delay in filing the revised T.A. Bill and prayed that the delay be condoned or alternatively, the original bill be passed taking D.A. for 161 days and the expenses for the second journey performed to bring the family be passed.

A copy of the aforesaid bill dated 14.6.96 is annexed herewith as ANNEXURE-8.

4.12 That the applicant states that the aforesaid bill dated 14.6.96 was submitted through proper channel i.e. through the Respondent No.4~~s~~ and the respondent No. 4 is well aware of the pendency of the bill. Inspite of the knowledge of the pendency of the appeal, the respondent No. 4

started recovery from the salary of the applicant to the extent of Rs. 14,103/- against the salary bill of June 1996 and thus the applicant did not get a single rupee as salary for the month of June. While in resorting to such deduction of entire amount of salary of the applicant, the respondent No. 4 did not consider the pendency of the appeal and also did not even bother to forward the appeal to the appellate authority before effecting the recovery. The appeal of the applicant was forwarded by the respondent No. 4 only on 10.7.96 after the applicant has been deprived of his entire salary for the month of June 1996. This speaks of the colourable exercise of power and highhanded action on the part of the respondent No. 4 which is required to be remedied by appropriate order from this Hon'ble Tribunal.

4.13 That having not received any reply to the appeal dated 14.6.96, the applicant submitted another representation dated 1.7.96 to the respondent No. 3. However, till date the applicant has neither heard anything about the fate of his appeal dated 14.6.96 nor his subsequent representation dated 1.7.96.

A copy of the representation dated 1.7.96
is annexed herewith as ANNEXURE 9.

4.14 That the applicant begs to state that Rule 87 (Financial Hand Book Vol. I) contemplates that recovery may not ordinarily be made at the rate exceeding 1/3rd of the pay unless the Government servant affected as

- (a) receiving or drawing the excess, acted contrary to the orders or without due justification ; or
- (b) taken the advance for a specific purpose, not utilised it for the purpose for which the advance was sanctioned

within the prescribed period and failed to refund the outstanding amount within the stipulated date.

From the aforesaid provisions, it is apparent and clear that the recovery from salary does not fall under extra-ordinary category inasmuch as the T.A. Advance was sanctioned in favour of the applicant by the appropriate authority on full justification. Further the balance amount of advance ~~is~~ not spent in T.A. was utilised for D.A. of 161 days (excluding 19 days earned leave) in view of the fact that the initial posting order was for less than 180 days and thus the applicant was entitled for D.A. upto maximum period of 180 days. Be that as it may from the rules quoted above, it is clear that the proposed recovery if at all is to be resorted to should not be more than 1/3rd of the salary unless the condition laid down in the Rule are satisfied. However, the respondent No. 4 capriciously and in colourable exercise of power has resorted to recovery of the entire salary of June 1996 to create disadvantage and detriment of the applicant. The applicant annexes herewith the relevant rule (extract) as ANNEXURE-10.

4.15 That the applicant states that the respondent No. 4 himself could condone the delay of 8 days in submission of the revised T.A. Bill. However, the respondent No. 4 not only penalised the applicant by not condoning the delay but he even went to the extent of not forwarding the appeal of the applicant and resorted to recovery of the entire salary in spite of his knowledge of pendency of the appeal.

4.16 That the applicant states that the highhanded action on the part of the respondent No. 4 dehors the rule has cause

great disadvantage to the applicant ~~ix~~ and it is a fit case where Your Lordships would be pleased to protect the interest of the applicant by passing the appropriate interim order as prayed for.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the impugned orders dated 16.5.96 and 7.6.96 have been passed in colourable exercise of power in a most highhanded manner. On the orders impugned in this application, the same are illegal per se.

5.2 For that non-consideration of the relevant provision more particularly Rule 87 of the Financial Hand Book has caused great prejudice to the applicant which is required to be remedied by this Hon'ble Tribunal.

5.3 For that the applicant having made a prayer to cancell ~~the~~ his bill dated 25.10.95, the respondent No. 4 ought to have cancelled the same and asked the applicant to file his revised T.A. Bill more so when the entire amount taken as advance was utilised for the purpose for which the advance was taken.

5.4 For that the respondent No. 4 was in an unholy haste to pass the bill which the applicant ~~f~~ prayed for cancellation.

5.5 For that the order dated 7.6.96 rejected the ~~which~~ revised bill of the applicant as time barred/is illegal inasmuch as the delay was only for a period of 8 days and the respondent No. 4 was competent to condone the delay.

5.6 For that the appeal of the applicant was pending which was sent through the respondent No. 4. The respondent No. 4 ought not to have resorted to recovery from the salary and ought to have waited for a decision of the appellate authority.

5.7 For that resorting to recovery of the entire amount of salary is untenable ~~and~~ in law more so when the conditions laid down ~~for~~ in Rule 87 of the Financial Hand Book were not attracted in the instant case.

5.8 For that the action of the respondent No. 4 has infringed the fundamental rights of the petitioner.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declares that he has no other alternative efficacious remedy and the remedy sought for ~~in~~ herein is just, adequate and proper.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE

The applicant further declares that he has not filed any application, writ petition or suit before any other Court, Authority and/or any other Bench of this Hon'ble Tribunal in respect of the subject matter of the instant application, nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances of the case, the applicant prays that this application be admitted and notice be issued to the respondents to show cause as to why the reliefs

sought for in this application should not be granted, call for the records and after hearing the parties on the cause or causes that may be shown and on perusal of the records, be pleased to grant the following reliefs :

- 8.1 To set aside and quash the order dated 16.5.96 by which the request of the applicant for cancellation of his bill dated 25.10.95 was rejected (Annexure-5)
- 8.2 To set aside and quash the order dated 7.6.96 rejecting the revised bill of the applicant as time barred and threatening recovery from salary (Annexure-7)
- 8.3 Issue a direction to the respondents to process and pass the revised bill of the applicant dated 23.5.96 by condoning the delay in submitting the bill and to restore his pay
- 8.4 Cost of the application ;
- 8.5 Any other relief or reliefs to which the applicant is entitled ~~is~~ under the law and equity.

9. INTERIM ORDER PRAYED FOR :

Pending ~~the~~ disposal of the application, Your Lordships may be pleased to restore the pay of the applicant and be further pleased to stay the operation of the order dated 7.6.96 (Annexure-7).

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

(i) I.P.O. No. DD. 524494
1
(iii) Payable at : Guwahati.

(ii) Date : 30.7.96.

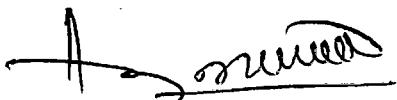
12. LIST OF ENCLOSURES :

As stated in the Index.

VERIFICATION

I, Shri Aryendra Nath Gupta, aged about 54 years, son of Late Dr. B. S. Gupta, presently working as Surveyor of Works (Civil) under the Superintending Engineer Telecom Civil Circle, Shillong, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification on this the 31st day of July 1996.



(A.N. Gupta)

(A.N. Gupta)

No. 3-7/93-CWG

Dated: 4th Nov., 1994.

ORDER

Consequent on the approval of the competent authority, the following Assistant Engineers(Civil) have been promoted to officiate in the grade of Executive Engineer(Civil)/Surveyor of Works(Civil)/Engineer(HQ) in the pay scale of Rs.3000-100-3500-125-4500/- for a period of 89 days w.e.f. the date they assume charge of the posts shown against them or till the posts are filled on regular/ad-hoc basis, whichever is earlier.

Sl.No.	Name(S/Shri)	Posted as	Remarks
1.	O.N. Safaya	SW(C), TCC, Indore.	Existing vacancy.
2.	R.M. Joshi	SW(C), TCC, Pune.	-do-
3.	S. Kathiresan	EE(HQ), TCC, Madras.	-do-
4.	P. Jayaraman	EE(HQ), TCC, Calicut.	-do-
5.	P.R. Naresh	SW(C), TCC, Trivandrum vice Shri E.C.Johan transferred.	
6.	G. Seethapathi	SW(C), TCC, Hubli.	Existing vacancy.
7.	S.K. Basu	SW(C), TCC, Jorhat.	-do-
8.	Kaja Balani	SW(C), TCC, Kanpur	-do-
9.	R.K. Sharma	SW(C), O/O SSW(C)-II, New Delhi.	Vice Shri Satindra Sharma transferred
10.	N.A. Tejwani	EE(HQ), TCC, Ahmedabad.	Existing vacancy.
11.	S. Joseph	SW(C), TCC, Ernakulam.	-do-
12.	P. Janardhan Rao	EE(HQ), TCC, Vishakhapatnam	-do-
13.	N.H. Khan	SW(C), TCC, Sambalpur.	-do-
14.	T.S. Rayhavan	SW(C), O/O CE(C), Hyderabad.	-do-
15.	H.V. Venkataramaiah	EE(C), TCD, Mysore	Vice Shri Abhay Kumar transferred.
16.	N.K. Yadav	EE(HQ), TCC, Hyderabad.	Existing vacancy.
17.	P. Mahato	SW(C), TCC, Vishakhapatnam.	-do-
18.	A.N. Gupta	SW(C), TCC, Shillong	Vice Shri A.K. Gangopadhyay transferred.
19.	G. Velu	SW(C), TCC, Madras	
20.	Banai Singh (SC)	SW(C), TCC, Guwahati.	Existing vacancy
21.	R.R. Sonkar (SC)	EE(HQ), TCC, Kanpur.	-do-
22.	D. Mistry (SC)	SW(C), O/O SSW(C), Calcutta.	Vice Shri M.K. Verma transferred.
23.	R. Puniakoti (SC)	EE(HQ), TCC, Trivandrum.	Existing vacancy.
24.	B.N. Bohata (SI)	EE(HQ), TCC, Jabolpur.	-do-
25.	L.C. Machaya (ST)	EE(HQ), TCC, Bangalore.	-do-

2. The local officiating arrangement are against the quota of vacancies earmarked for Assistant Executive Engineers(Civil) (Group 'A' officers) as per Recruitment Rules. This arrangement will not therefore give them any claim for continued appointment against the posts.

Contd... 2/-

*Authored
B. J. D.
Advocate*

3. The officers will stand automatically reverted to the post of Assistant Engineer(Civil) after expiry of 89 days.

4. The above arrangement is further subject to the Court cases on seniority in AE(C) Grade pending in various benches of CAT.

5. With the issue of this order of promotion on local officiating arrangement issued on an All India basis, all present local officiating arrangements to the grade of EE(C) done at the level of Chief Engineers within their respective zones will stand terminated.

Hindi version will follow.

1/16
[K.S. CHANDRAHASAN]
Assistant Director General(CW)

Copy to:

1. The officers concerned.
2. All Heads of Telecom Circles with a copy to CAO concerned.
3. All Chief Engineers(Civil), DOT/DOP.
4. All Suptdg. Engineers(Civil)/SSW(C).
5. GM(BD), MTNL, Chandra Lok Building, Janpath, New Delhi.
6. Sr. DDG(BW)/Director(BW).
7. CA to Advisor(HRD).
8. Office Order File.

checked
[C.P.S. VERMA]
Section Officer(CWG)

Ansler
Boyle
Adcock
1-896

DEPARTMENT OF TELECOM CIVIL CIRCLE
C/O SUPERINTENDENT, SURVEYOR OF MAILS (T.M.A.L) -II,
611 POKHRI, MUMBAI STREET NO. 100-
MUMBAI - 400001.

No. C-37/53A(C)-II/DOT/STW 2193-22-01 Dated: (6-11-91)

OFFICE COPY

Under rule 409 of T.M.B. Vol. I sanction is hereby accorded for Transfer TA advance of Rs. 32000/- (Rupees Thirty Two Thousands only) to Shri A.H. Gupta, M.A. of this office to meet the travelling expenses w.r.t. his promotion and transfer as A.S.(C), Telecom Civil Circle Shillong vide A.G. (Ex) order No. 2-7/93-53A dt. 4.11.93.

Details

1. Two months Pay	2 x 3500	7000/-
2. Packing charges/allowance (L)		1200/-
3. Transfer grant. (L)		2000/-
4. Fare A/C 1Ind Sleeper (1.2)		3903/-
5. Fare for family by train 1Ind AC (5 x 1901)		6505/-
6. Luggage. 6000 Kg x 2.20		13200/-
		<hr/> 34008/-

The official has requested for the grant of an advance of Rs. 32000/- only against the above advance.

The advance will be adjusted in lumpsum from the bill of the concern officer within stipulated time as per rules of transfer.

The expenditure is debitable to the head of 3225-E-3 (1)(4) TA advance.

SURVEYOR OF MAILS (T.M.A.L) -II
DEPARTMENT OF TELECOM CIVIL CIRCLE
MUMBAI 400001

Copy to :-
1. S/o DEC(DM), DOT, Sanchar Bhawan, New Delhi.

1. S/o DEC(DM), DOT, Sanchar Bhawan, New Delhi.
2. C.M.A.T., Shillong.
3. S.C.(C), North Zone, New Delhi.
4. A.O.(T.M.), O/o Com. T.M., Prashant Park, New Delhi.
5. S.E.(C), Tel. (H.E.), DOT, New Delhi.
6. S.E.(C), Telecom Civil Circle, New Delhi.
7. S/o Cashier in duplicate.
8. P/file of the officer.
9. S/o Cashier in duplicate.
10. Shri A.H. Gupta, A.S.(C).

Ansled
P. D. S.
P. D. S.

1. 10/11/91
2. 10/11/91

To,

Re Submission Enquiry.

T.C.C. Shimla

Subject - Transfer T. A. Bill

Sir,

Enclosed please find done with the Transfer of T.A.
Bill of Self. amount Rs 23849/- for pass a additional
balance. The advance taken is Rs 2500/- and the
balance shall be remitted after passing the Bill.

Thanking you

Yours faithfully

X. S. Soni
(Adv. C. B. S.)

Enclosed - As above with Transfer - 3 m.

A. S. S.
Dr. S. S.
X. S. S.

Atul Grove Road	14-11-94	5.00 AM	New Delhi	By Train	14-11-94	70/-	2 K.M.	70.40
Rly Station	14-11-94	6.25 AM.	Rly Station Guwahati	By Train	15-11-94	AC-11 826328	888227383	1251.40
Guwahati	16-11-94	6.10 AM.	Shillong	By Taxi	16-11-94	10.30 AM.	100/- 106 K.M.	100.40
Taxi Stand Shillong	16-11-94	10.10 AM.	Oakland 2B.	By Taxi	16-11-94	10.30 AM.	30/-	30.40
Shillong Dak Bawali	3-2-95	3.10 PM.	Taxi Stand Shillong	By Taxi	3-2-95	2.30 PM.	10/-	100.40
Taxi Stand Shillong	3-2-95	16.00	Guwahati	By Taxi	3-2-95	7.30 PM.	100/- 104 K.M.	1286.00
Guwahati	4-2-95	9.15 AM.	Rly Station New Delhi	By Train	5-2-95	9.30 AM.	(AC-11 33435073)	90.40
Rly Station New Delhi	5-2-95	10.40 PM.	Atul Grove New Delhi	By Taxi	5-2-95	10.30 PM.	20/-	70.40
Atul Grove New Delhi (Res)	24-2-95	6.10 AM.	Rly Station Guwahati	By Train	25-2-95	6.30 AM.	70/-	1266.00
Rly Station New Delhi	24-2-95	7.00 AM.	Taxi Stand Shillong	By Taxi	26-2-95	10.40 AM.	100/-	100.40
Guwahati	26-2-95	7.00 AM.	Oakland	By Taxi	26-2-95	11.40 AM.	30/-	30.40
Taxi Stand Shillong	26-2-95	10.30 AM.						567.00
D.A. 0.1 x 70 =								3000/-
Transfer Grant								1200/-
Packing Allowance								13144.00
Carriage Charge			Personal Effect					16.50
Guwahati to Shillong			110 K.M @ 15 x 60 =					
								23849.00
			Total					25,000.00
			Advance Tabew					1151.00

Adjusted
By
Advocates
1.8.96

Accepted
(A.N. GUPTA).

No. ANG/SW/TELECOM CIVIL/SH/9

Dated, the 28-3-1996

To

The Superintending Engineer,
Telecom Civil Circle,
Shillong.

Sub:- Transfer T.A. Bill in respect of Sri A.N. Gupta,
Surveyor of Works.

Sir,

It is brought to your kind notice that I submitted the Transfer T.A. bill from Delhi to Shillong on 25.10.95. The T.A. bill may kindly be treated as cancelled and I shall be submitting a fresh and modified T.A. bill alongwith the supporting rulings for passing the bill please. The inconvenience caused to you is regretted please.

Repealed 7-5-96
Received 14-5-96
Searched 14-5-96
Dig. Bill passed 1-7-96
Searched 1-8-96
Repealed 1-8-96

Yours faithfully,

A.N. GUPTA)
Surveyor of Works,
Telecom Civil Circle,
Shillong.

/c

.....

Amritpal
B.S. J.
Advocates
1-8-96

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE SUPERINTENDING ENGINEER:TELECOM CIVIL CIRCLE
SHILLONG.

NO. 61(10)90/TCC/SH/496

Dated: 16/5/96

To,

Sri A.N. Gupta,
Surveyor of Works,
Telecom Civil Circle,
Shillong.

Sub: Transfer T.A. bill in respect of Sri A.N. Gupta, Surveyor of Works, Telecom Civil Circle, Shillong- Refund of excess amount of advance.

Ref: (i) Your letter No. nil dated 25-10-95
(ii) Your letter No. ANG/SW/TELECOM CIVIL/SH/9 dt:28-3-96.

The Transfer T.A. claim vide your letter Dated 28-3-96 could not be entertained as per SR 194-A. Your Transfer T.A. bill submitted vide letter dated 25-10-95, has been passed ~~by the~~ ^{on 14-5-96} competent authority for an amount of Rs. 10897/- (Rupees ten thousand eight hundred and ninety seven)only.

It is noticed that, you had taken an amount of Rs. 25000/- (Rupees twenty five thousand)only as Transfer T.A. advance. The balance amount of Rs. 14,103/- (Rupees fourteen thousand one hundred and three)only is to be recovered from you. Therefore you are requested to intimate this office within 7 (seven) days whether it is to be recovered from any amount due or will deposit it in one instalment.

Q Jan 16/5/96
Superintending Engineer(C),
Telecom Civil Circle,
Shillong.

*Attested
By Q
Advocate
1-8-96*

To

- 20 -

The Superintending Engineer,
Telecom Civil Circle,
Shillong.

Sub:- Transfer T.A. Bill in respect of Sri A.N. Gupta,
Surveyor of Works, Telecom Civil Circle, Shillong

Ref:- Your No. 61(10)90/TCC/SII/496 dt.16.5.96

Sir,

I am in receipt of above mentioned letter through which it has been intimated that the T.A. Bill submitted as on 25.10.95 has been passed for Rs.10,897/- and the balance amount of Rs.14,103/- out of Rs.25,000/- (Advance) is to be either deposited or recovered from any amount due.

2. In regard to above I venture to submit that the T.A. Bill cancelled vide my letter of even No. dated 28.3.96 has been passed which does not seems to be in order. Vide same letter I promised to submit the revised T.A. Bill and in case I failed to submit the revised T.A. Bill, I should have been asked for submitting the revised T.A. Bill and on further failure in submitting revised T.A. Bill the full recovery of entire advance Amount could have been ordered but under no circumstances, the T.A. Bill already cancelled can be considered for pass & payment.

3. The delay in submission of the revised T.A. Bill was because of non-availability of leave period details which have now been collected from records and accordingly the revised T.A. Bill is submitted for pass & payment please.

4. On perusal of the sanctioned T.A. Bill, it is learnt that my 2nd journey to Delhi was dis-allowed probably with the reason that I could not bring my family. Here I am to submit that my intention was to bring my family and accordingly went to Delhi but because of last minute decision concerning more pressing family circumstances the family could not accompany with me. This journey should not be dis-allowed to the disadvantage of the employee for which he has incurred the expenditure.

*Ansled
Bansal
Advocate
1-8-96*

*T.A. Bill (Revised) certified
to be of 1096. (M/s)*

contd... 2/-

5. Further to above, the luggage transportation charges has been allowed to $\frac{1}{3}$ rd of the entitlement since I could not bring my family. Here I am to submit that well when unjustified claim can be disallowed, the justified claim simultaneously should have been added like D.A. for 180 days on posting order not exceeding 180 days. In fact this was the precise reason for the cancellation of T.A. Bill submitted as on 25.10.95.

The revised T.A. Bill is enclosed herewith for your kind perusal and pass and payment in order to meet the end of justice.

Yours faithfully,

Excluded T.A. Bill in duplicate.

Amrit
Advocate
1.8.96

26/5/96
(A.N. GUPTA)
Surveyor of Works (C),
0/0 Superintending Engineer,
Telecom Civil Circle,
Shillong.

Details of journey(s) performed by Government servant as well as the members of his/her family.

articulates of journey(s) for which higher class of accommodation than the one to which the Govt. servant is entitled was used:

प्रस्तावना Departure		प्राप्तानन Arrival		यात्रा की रोति एवं स्थान सुविधा का बर्ग Mode of travel & class of recommendation	भाएे की संख्या No. of Fares	मदत भाटा Fares paid	सहक दूरी किमी में Distance in Kms. by road
तारीख घोर समय Date & Time	से From	तारीख घोर समय Date & Time	तक To				
1	2	3	4	5	6	7	8
1. 10 AM. -11. 94	Residence Atili ghat Road New Delhi	5. 30 AM 14-11-94	New Delhi Rly. station	Taxi	Full Taxi	70/-	2 K.M.
2. 25 AM. -11. 94	Neath Ry station	12. 10 PM 14-11-94	Rly. station Gurukul	Train, 2nd AC. 068 22738482 6308	one	125/- 100 15.00	
3. 10 AM. 6-11-94	Taxi stand Gurukul	10. 00 AM 16-11-94	Taxi stand Shillong	Taxi	one	100.00	104 K.M.
4. 10 A.M. -11-94	Taxi stand Shillong	10. 30 AM 16-11-94	J.P. Calcutta Shillong	Taxi	full	30.00	2.00 K.M.
5. 00 P.M. -2-95	2 B. Calcutta Shillong	3. 00 P.M 2-2-95	Taxi stand Shillong	Taxi	one	10.00	2 K.M.
6. 00 P.M. -2-95	Taxi stand Shillong	3. 30 P.M 2-2-95	Taxi stand Gurukul	Taxi	one	100.00	104 K.M.
7. 15 AM. -2-95	Rly. station Gurukul	2. 30 P.M 2-2-95	Rly. station New Delhi	Taxi in AC. II 3343 5073	one	1256.00	
8. 00 AM. -2-95	Rly. station New Delhi	4. 2-95			one	80.00	2 K.M.
9. 00 AM. -2-95		10. 30 P.M 5-2-95	Residence New Delhi	Taxi	one	2652.00	

8. सामान लेने वे जाने का व्यय (रक्तोद सलग्न करो) :

Transportation charges of personal effects (Money receipts to be attached).

नारील Rate	रीति Mode	स्टेशन Station	वजन Weight किंप० में in Kgs.	दर Rate Rs.	राशि Amount Rs.	टिप्पणी Remarks
		से From	तक To	P.	P.	

जोड़ Total _____

9. सामान जाने ले जाने का दृक्षिण व्यापार।
 Transportation charges of personal conveyance.
 (रसीद लेना करो)।
 (Money receipt to be attached).
 क) यात्रा की रीति तथा स्थेशन।
 a) Mode of transport and station to

servant is entitled was used :						
तारीख Date	स्थानों का नाम Names of places		वाहन का प्रकार जिसके उपयोग किया गया है	यह वर्ग जिसका हक्कार है	यह वर्ग जिसमें यात्रा की गई	उस वर्ग की यात्रा मादा जिसका हक्कार है
	से From 2	तक To 3	Mode of conveyance used 4	Class to which entitled 5	Class by which travelled 6	Fare of the entitled class 7
1						

एवं उच्चतर वर्गों को स्थान सुविद्या में की गई यात्रा/यात्राएँ सक्षम अधिकारी के मनुमोदन से की गई हैं तो मंजूरी की सं० प्रधान तारीख उद्धरण करें।

If the Journey(s) by higher class of accommodation has been sanctioned by authority. No. and date of the sanction may be quoted.

11. रेल से जहे स्थानों के बीच सड़क से की गई यात्रा/यात्राओं के बारे :

सारोबर Dated 1	स्थानों का नाम Names of places		मंदस भाड़ा Fare paid 2
	से From 3	तक To 4	

प्राणित विद्या जाता है कि उपरोक्त जानकारी मेरे सर्वोत्तम ज्ञान और धिश्वास के अनुसार सत्य है।

... Certified that the information as given above is true to the best of my knowledge and belief.

(.....१० अगस्त १९७६.....)
सरकारी सेवक के हस्ताक्षर

प्रवासन Departure		प्राप्तयन Arrival		यात्रा की रोति एवं स्थान सुविधा का बयान Mode of travel & class of recommendation	भाष्ट की संख्या No. of Fares	मदत भाटा Fares paid	सड़क दूरी कि मीलों में Distance in Kms. by road
तारीख और समय Date & Time	से- From	तारीख और समय Date & Time	तक- To				
10 A.M. 26-8-95	Resident New Delhi	6.30 A.M. 26-2-95	Rely station New Delhi	Taxi	full	₹ 475/- 70/-	2. K.M.
7.10 A.M. 24-2-95	Rely station New Delhi	7.10 P.M. 26-2-95	Rely station Gurakhat	Taxi (AC-II (93472223))	one	1266/-	
7.10 A.M. 26-2-95	Taxi stand Gurakhat	10.10 A.M. 26-2-95	Taxi stand Shillong	Taxi	one	100/-	10. K.M.
7.30 A.M. 6-2-95	Taxi stand Shillong	11.00 A.M. 26-2-95	T.B. Oakland Shillong	Taxi	one	35/-	3. K.M.
	1. D.A. mit. 16-11-94 to 26-2-95 2. D.A. mit. 16-11-94 to 15-2-95 depos E.L. 2m 6-2-95 to 24-2-95 under Rule 52.114 (2)			8.1 x 70 = (180-19) = 161 x 70 =		567/- 11270/-	
						16155/-	16155/-

Particulars of journey(s) for which higher class of accommodation than the one to which the Govt. servant is entitled was used:						
तारीख Date	स्थानों का नाम Names of places		वाहन का प्रकार जिसका उपयोग किया गया है	वह दरों जिसका हयादार है	वह वर्ग जिसमें यात्रा की गई	उस वर्ग की यात्रा भाग जिसका हयादार है
	से From	तक To	Mode of conveyance used	Class to which entitled	Class by which travelled	Part of the entitled class
1	2	3	4	5	6	7

8. सामान लेने ले जाने का व्यय (रत्तोद मलान करो) ।

Transportation charges of personal effects (Money receipts to be attached).

9. सामान ज्ञाने ले जाने का व्यक्तिगत व्यय।

Transportation charges of personal conveyance.
(रमीद सलत्तन करो)।

(Money rec'dpt to be attached)

क) यात्रा की रीति तथा स्थेशन ।

a) Mode of transport and station to which transported

which transported

गणित किया जाता है कि उपरोक्त ज्ञानकारी मेरे सर्वोत्तम ज्ञान और धिश्वास के अनुसार सत्य

Certified that the information as given above is true to the best of my knowledge and belief

(.....) miss (.....)

सरकारी सेवक के हस्ताक्षर

25

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE SUPERINTENDING ENGINEER:TELECOM CIVIL CIRCLE
SHILLONG.

NO. 61(10)90/TCC/SH/566

Dated: 7/6/96.

To,

Sri A.N. Gupta,
Surveyor of Works,
Telecom Civil Circle,
Shillong.

Sub: Transfer T.A. bill in respect of Sri A.N. Gupta, Surveyor of Works, Telecom Civil Circle, Shillong.

Ref: (i) Your letter No. Nil dated 25-10-95

(ii) Your letter No. ANG/SW/TELECOM CIVIL/SH/9 dated 28-3-96

(iii) This office letter No. 61(10)90/TCC/SH/496 DT: 16-5-96.

(iv) Your letter No. ANG/SW(C), TCC/SH/Conf/23 dtd: 23-5-96.

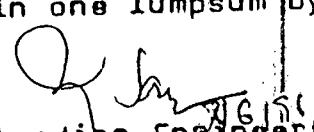
With reference to your letter dated 16-5-96, the following observations are made :-

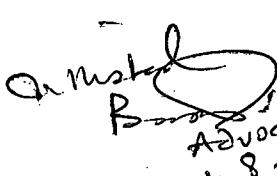
Para 2 The bill which was passed, was submitted on 25-10-95. Again on 28-3-96, (after a lapse of 5 months) you on your own compulsions wrote that the said bill should be cancelled, which was under scrutiny and promised to submit a new bill with 'supporting rulings', which you failed for the reasons best known to you. In this connection you are informed that the subsequent claim became time barred. Hence the bill was passed after scrutiny.

Para 3 Reasons stated for delay in submission of revised T.A. bill are not satisfactory as they pertain to your own records and the claim became time barred.

Para 4 & 5 Perhaps you have not gone through the rules even after serving for more than 25 years in a transferable job and not gone through relevant T.A. rules. Otherwise these points should not have been raised. It is also clear from the letter dated 23-5-96 that you are even not able to distinguish between T.T.A. and T.A. on tour, otherwise the points in para 5 should not have been raised. The bill has been properly scrutinised and passed. Revised T.A. bill cannot be entertained.

Furthermore, it is being observed that this whole process of sundry correspondence seems to justify the unwillingness on your part to deposit the excess and illegal advance taken by you from your last office or to delay the process of recovery as informed to you, as the letter dated 28-3-96 was given by you at the time of Audit Inspection and the 2nd one dtd: 23-5-96 alongwith revised T.T.A. cum T.A. on tour bill only after being intimated about the recovery and that too without 'supporting rulings' as promised. You are again informed that recovery of the excess amount of advance taken, shall commence from the pay bill of June '96 if not deposited in one lumpsum by you.


Superintending Engineer(C),
Telecom Civil Circle,
Shillong.


Advocate
1-8-96

No. AN.G/SW(G)/TEC/SH/1/PF/25

Dated, the 14th June 96

To

The Chief General Manager,
N.E. Telecom Circle,
Shillong.

(Through Proper Channel)

Sub:- Appeal for condonation of Late submitted revised
T.A. Bill

Respected Sir,

With due respect, I request your goodself kindly to consider the followings :-

That Sir, vide my letter dated 28/03/96, I requested my Superintending Engineer(Civil), Shillong kindly to cancell the earlier T.A. Bill submitted by me on 25/10/95 as the same was incomplete and I omitted to include the D.A. for 161 days (out of 180 days). Also, I prayed him that I shall be submitting a revised T.A. Bill. But even after receiving my letter, my old T.A. Bill was passed and the revised bill was turned down under S.R. 194-A vide letter dated 16/5/96 (copy enclosed - Annexure 'A'). I could not understand when the correspondence was going on as regards the related bill, how it was considered to be late. The original bill was already with the office and a revised one was late by eight days and the reason I repeat was :-

(A) (1) Non-availability of Leave period details.
(2) Non-inclusion of D.A. for the 161 days.

(B) Details of submission of Bill

(i) Date of joining 16.11.94 (on promotion for less than 180 days)

(ii) Date of completion of 6 months :- 15.5.96

(iii) Date of submission of T.A. Bill:- 25.10.95

(iv) Date of letter cancelling the 1st T.A. Bill :- 28.3.96

(v) The revised bill by which it should have been submitted :- 15.5.96

(vi) The date by which the Revised Bill was submitted - 23.5.96

However, when it was seen that in the original bill I omitted to include D.A. for 161 days amounting to Rs.11,837-00, the office could have been added the same and pass the bill; when an office can disallow some claims, equally I feel they can include the omitted figure also. Again, though in the original bill I omitted to include D.A. figures, I was fully entitled for the same. So there were every scope of extending the benefits by the office itself.

For your ready reference, I hereunder submit my reply to the Superintending Engineer(Civil), Shillong letter No.61(10)90/TCC/SH/566 dated 07/06/96 (copy of SE's letter is enclosed and marked as Annexure 'B').

Para (2). It was objected that I did not quote the supporting rulings for submission of the revised bill, but it was not so. The ruling was quoted on the body of the revised T.A. Bill. Records may be verified.

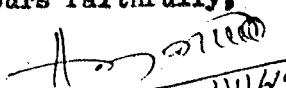
Para (3). Non-inclusion of the D.A. for 161 days and non-availability of the Leave records in time was the main reason. The original bill did not include, the D.A. which may be examined and consequently justifies the submission of revised T.A. Bill.

Para (4) and (5) :- No comment please. Kindly therefore, sympathetically condone or let the original bill be passed taking D.A. for 161 days and 2nd journey performed to bring the family. The reason for non-bringing the family is explained vide my letter dated 23.5.96, (copy enclosed - Annexure 'C') to save my family from likelihood of starving situation arising out of order to make recovery from my pay w.e.f. June 1996.

Enclos:- As above. For kind further disposal.

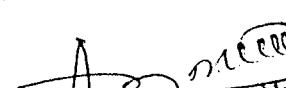
With best regards,

Yours faithfully,


(A.N. GUPTA) 14/6/96
Surveyor of Works(C),
O/O Superintending Engineer,
Telecom Civil Circle,
Shillong.

Advance copy to Chief General Manager, N.E. Telecom, Shillong for his kind consideration please.

Ansled
B
Advocacy
18/6/96


(A.N. GUPTA) 14/6/96
Surveyor of Works(C),
O/O Superintending Engineer,
Telecom Civil Circle,
Shillong.

BY HAND

- NO. ANG/SW(C)/TCC/SN/PF/29-30

Dated : 1.7.96.

To

Shri S.P. Chakraborty,
 Chief General Manager,
 N.E. Telecom Circle,
 Shillong.

Subject :- Appeal for condonation of late submitted revised
 T.A. Bill (8 days) and against recovery perforcefully
 being made from the pay with effect from June 1996.

Respected Sir,

With due respect I am submitting the following facts to the Appellant Authority and draw your kind attention to the appeal for condonation of late submitted revised T.A. Bill (which was late only by 8 days) made vide my letter NO.ANG/SN(C)/TCC/SN/PF/25 dated 14th June 1996, the advance copy submitted to your good-self in person.

The Superintending Engineer has perforcefully started the recovery from the salary with effect from June and did not pay even a single rupee without waiting for your decision against my appeal for condonation of 8 days delay in submission of revised T.A. Bill and even did not bother to forward my appeal to your good-self for the decision. The recovery should have been suspended till your decision, unless it is not ordered by the Audit but in the instant case the recovery was ordered by not allowing certain claims on the ground of being "time barred claims".

The Superintending Engineer him-self could condone 8 days delay in submission of the revised T.A. Bill but since he is having a very vindictive attitude, who wants to lull me because I have raised through my numerous letters regarding irregularities and corrupt practice adopted by the Superintending Engineer and his most favourite Executive Engineer, Shri Sanjay Kumar. I am continuously proving to be the stumbling block in their unlimited un-fair earnings.

The above fact is an example of his high handedness and your good-self can well image that how I shall be able to maintain two establishments without salary and thus request your good-self to kindly condone 8 days delay in submission of revised T.A. Bill and oblige.

For kind further disposal.

With best regards,

Yours faithfully,

A.N. Gupta 1/7/96
 (A.N. GUPTA)
 Surveyor of Works(C)
 O/o Superintending Engineer,
 Telecom Civil Circle,
 Shillong.

Quoted
 1/7/96
 A.N. Gupta
 1.7.96

P.T.O.

Copy respectfully submitted to :-

Regd. Post 1. Shri R.D. Chowdhary, Secretary, Central Vigilance Commission, Bibbister House, New Delhi-1 with relevant correspondence for his information and necessary action please. This may kindly be read with my letter NO. AHG/SW(C)/SW/Telecom/PF/96 dated 14.2.96. His kind attention is drawn to the language used, in the Superintending Engineer's letter dated 7.6.96, specifically in the last two paragraphs and can judge himself that under what torturous conditions I am working with no precipitate action against these economic offenders and out-lawed (Dacoits) persons.

Through
FAX &
By Speed
Post. 2. Shri N.S. Chakravorthy, Sr. Deputy Director General(BW), 6th Floor Shauchar Bhawan, New Delhi with relevant correspondence for kind information and necessary action. Such high handed-ness to lull me is because of in-action against the proven economic offenders for which the Administration is solely responsible.

Regd. Post 3. Shri N.R. Moharivale, Deputy Director General(Vig.), Telecom, Sanchar Bhawan, New Delhi with relevant correspondence for his kind information and necessary action please.

10/2/96
11/7/96
(A.N. GUPTA)
Surveyor of Works(C),
C/o Superintending Engineer,
Telecom Civil Circle,
Shillong.

Quoted
10/2/96
11/8/96

NOTE 2.—A Disbursing Officer must not, when a retrenchment is ordered, enter into any correspondence with either the Audit Officer, Accounts Officer or the Government servant concerned; it is his duty simply and promptly to carry out the orders he has received, and to leave the person aggrieved to refer the case to the proper authority.

NOTE 3.—Representations and protests against retrenchments ordered by the Audit Office/Accounts Office may not ordinarily be considered by the administrative authorities if submitted later than three months from after the date of receipt of the intimation by the aggrieved Government servant. This provision does not remove from the Disbursing Officer the duty of enforcing immediately the recovery of a retrenchment order under this rule.

87. Recoveries may not ordinarily be made at a rate exceeding one-third of pay unless the Government servant affected has (a) in receiving or drawing the excess acted contrary to orders or without due justification or (b) taken an advance for a specific purpose, not utilised it for the purpose for which advance was sanctioned within the prescribed period and failed to refund the outstanding amount within the stipulated date.

88. A register in Form A.C.G.-60 should be maintained at the Disbursing Office for recording all retrenchments ordered either by the Audit Office or by Departmental authorities, all advances made but not adjusted and losses, etc., affecting the balance of the office. It contains columns specifying the name and office of the person from whom the recovery is to be effected, the nature and amount of the overpayment, advance or loss, the method by which the amount has been adjusted, the balance outstanding on the 31st March, and or the initials of the Head of the Office for testifying the correctness of the entries made therein.

In the case of defalcation or a loss, when authority is received for its write-off, the fact should be noted against the original entry in the Register and the number and date of the order cited in support of the adjustment made. Recoveries of losses should be credited in the accounts and the necessary entries made in the Register.

NOTE 1.—'Disbursing Office' mentioned in the above rule refers to 'Drawing Office' in case of non-gazetted officials.

NOTE 2.—The duty of the Head of the Office for checking the correctness of entries made in the Register of retrenchments and initialling them in token of such check may be performed by an official not below the rank of Junior Accounts Officer or Lower Selection Grade cadre. This delegation is subject to the condition that the Head of the Office shall remain responsible for the proper maintenance of this Register and he shall check at least ten per cent of the entries made therein every month and initial them in token of having done so.

89. Deductions on account of sums disallowed from pay bills should be made strictly in accordance with the instructions issued by the Accounts Officer/Accounts Officer. The recovery of a sum disallowed from a pay

bill may be made from the next pay bill, and of a sum disallowed from a travelling allowance bill, from the next payment of travelling allowances but sums disallowed from a travelling allowance bill must be recovered in cash or from the pay bill when the Government servants concerned does not, within a month, present any other travelling allowance claim from which they can be recovered.

90. The Audit Office/Circle Accounts Office deals with Disbursing Officers direct in the matter of objection statements or audit memoranda and each department of the office issues separate objections in connection with the audit work done by it.

NOTE 1.—In the case of P. & T. Offices which encash their bills in the disbursing offices specially as mentioned in Appendix 10 (*not printed*) of this volume, the objection statements/half margin/audit memos, arising out of audit of establishment and contingency bills would be addressed to the Heads of Offices concerned.

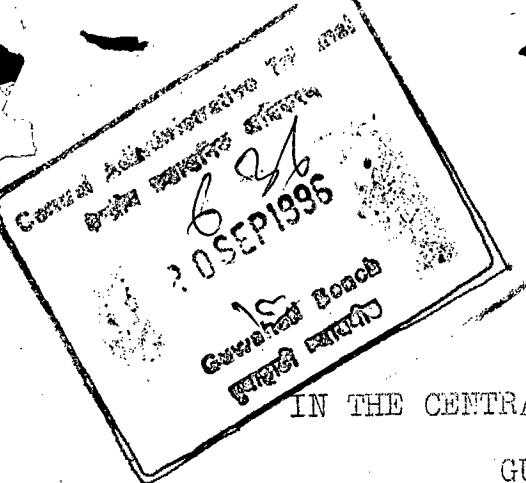
NOTE 2.—It should be noted that in respect to the objections arising out of the audit of the cash accounts of the Railway Mail Service, the Head Record Clerks to Superintendents in charge of Railway Mail Service Divisions who reader the cash accounts twice a month are regarded as Disbursing Officers and the instructions in these rules are applicable to them as well.

NOTE 3.—Objections arising out of the concurrent test-audit of the initial accounts and records of the Telecom Stores Depots and Factories, their administrative offices and Accounts offices are addressed direct to those offices by the Resident Audit Officers working under the control of the Director of Audit, Posts and Telegraphs, Stores and Workshops, by means of irregularity memos.

91. *Not printed*

92. The objection statements are prepared by the Accounts Office in duplicate both the copies, viz., (1) a pencil draft, and (2) a carbonised copy being sent to the Disbursing Officer or the Head of Office, as the case may be. The draft copy should be retained as an office record, while the carbonised copy (which alone will be signed by or on behalf of the Accounts Officer) should be returned to the Accounts Office with reply neatly written in ink against each item of objection. Copies of these replies should be kept on the pencil copy for future reference.

93. If Disbursing Officers or Heads of Offices are dilatory in returning objection statements or in settling objections, the matter will be reported by the Audit Office/Accounts Office to the Head of the Circle concerned. In the case of an officer habitually delaying the return of objection statements, a special report will be made to the Director-General. A report will also be made to the Head of the Circle in the case of any irregularity forming the subject of a retrenchment which is considered of sufficient importance to be specially treated or to require the intervention of a superior officer.



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12/10/96
10/10/96
20/10/96
20/10/96
20/10/96
20/10/96
20/10/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

In the matter of :

O.A.No.136/96

Shri Aryendra Nath Gupta
... Applicant.
- Versus -

Union of India & Ors. ... Respondents.

- AND -

In the matter of :

Written Statement on behalf of
the Respondents.

I, Shri C.Murmu, Vigilance Officer, in the
office of the Chief General Manager, R.B.Telcom Circle,
Shillong do hereby solemnly affirm and declare as follows:-

Received copy
M.K.C. & Co
Advocates
20/10/96

- That a copy of application alongwith an order passed by this Hon'ble Tribunal have been served upon the respondents and being called upon by this Hon'ble Tribunal and being authorised by the competent authority I do hereby file this Written Statement as a common.....

common one and say categorically that save and except what is admitted in this written statement, rest may be treated as total denial by all the respondents.

2. That with regard to the contents made in paragraphs 1,2,3, and 4.1 of the application, the respondents have nothing to comment.

3. That with regard to the contents made in paragraph 4.2 of the application, the respondents beg to state that the applicant is presently working as Surveyor of Works on officiating basis for a period of 89 days. The officiating post of the applicant is a Class I post, but the substantive post of the applicant is ASW which is a class II post. The applicant was originally promoted temporarily as Surveyor of Works with effect from 21.11.94(A/N), for 89 days and reverted on 17.2.95, copy of which is annexed herewith and marked as Annexure R-I. Therefore, he was Asstt. Surveyor of Works for the period from 17.2.95 to 27.2.95. Therefore, the substantive post of the applicant is class II post and officiating post is class I post and this practice of promotion on officiating basis for 89 days and reversion is still continuing.

4. That with regard to the contents made in paragraph 4.3, the respondents have nothing to comment.

5. That with regard to the contents made in paragraph 4.4, the respondents begs to state that an amount.....

amount of Rs.32,000/- was sanctioned as Transfer T.A. Advance which included Rs.7000/- as pay advance. The applicant had stated that - " although the applicant was entitled in term of calculation made by the office at New Delhi" which is objectionable because normally the advances are sanctioned on receipt of application from the officer but in the instant case the calculation of Transfer T.A. Advance appears to have been made without getting any application and after the calculations made by the office the application for Transfer T.A. Advance was given by him. In the instant case, it is revealed from the office order dated 10.11.94 of SSW, New Delhi that an advance for two months pay was taken by the applicant whereas in transfer cases two months pay advance is normally not admissible, copy of relevant rules GFR 223 is annexed and marked as Annexure R-II. This has happened because the applicant himself had processed the case and misled the sanctioning authority for irregular sanction.

The applicant was entitled to a single second A.C. fare from New Delhi to Guwahati, single road mileage from Guwahati to Shillong and Daily allowance for one month as the transfer not exceeding 180 days is to be treated as temporary transfer (SR 1 - 114 (2)). This is also very pertinent to note that the applicant is trying to mislead the Hon'ble Tribunal by saying he has accepted an advance of Rs.25,000/- but he actually took an advance of Rs.32,000/- which was inclusive of advance of two months pay i.e. Rs.7000/-, copy of which is annexed herewith.....

herewith and marked as Exhibit III. Since the applicant had taken transfer P.A. why not he is supposed to submit the I.T.A. bill for adjustment of the advance taken by him.

Further, it may also be seen that the applicant has filed the copy of order dated 10.11.94 to ~~order~~ which was an endorsement to his personal file. It is not known how he could have a copy of the order kept in his personal file. This can be noted upon.

5. That with regard to the contents made in paragraph 4.5, the respondents have nothing to comment.

v 7. That with regard to the contents made in paragraph 4.6, the respondents beg to state that the applicant had preferred his first transfer P.A. bill on 25.10.95 (not 25.10.94) is stated and subsequently after a lapse of 5 months informed the office that the said bill should be treated as recalled and he will submit a modified bill with 'sup'cytng rulings' when he failed. Therefore, his bill dated 25.10.95 which under scrutiny was passed after considering the circumstances since his modified transfer P.A. was not forthcoming and when he submitted the bill was time barred.

8. That with regard to the contents made in paragraph 4.7 of the application, the respondents beg to state that the applicant can not keep quite by s

writing a letter instead of submitting the bill for the advance which he had taken keeping the advance with him for months together. Instead of writing a letter, he should have submitted the bill immediately for adjustment of Transfer T.A. advance drawn by him.

9. That with regard to the contents made in paragraph 4.8, the respondents begs to state that the bill was passed having a sympathetic consideration for the applicant giving due regards to the provision of S.R. 194 - A, copy of an extract is annexed herewith and marked as Annexure R-IV. The reasons put forth by the applicant for non-submission of bill were not satisfactory and were therefore not acceptable.

It is further submitted that (i) the 2nd and 3rd journey were disallowed because he did not bring his family (ii) that the luggage was restricted to 1/3rd of his family as per Govt. of India, Ministry of Finance O.M. No.3943-E.IV/84 dated 17.10.84 and (iii) the applicant was asked to deposit the excess amount of advance. The copy of the aforesaid O.M. is annexed herewith and marked as Annexure R-V.

10. That with regard to the contents made in paragraph 4.9, the respondents have nothing to comment.

11. That with regard to the contents made in paragraph 4.10, the respondents begs to state that the applicant had drawn excess Transfer T.A. advance. As such, the excess Transfer TA advance was recovered from him

after.....

after finalisation of accounts of his transfer TA.

The claim subsequently submitted by him was time-barred.

Therefore, there was nothing to be shocked on receiving the order of the recovery as he was informed earlier vide Respondent No.4's letter No.61(10)90/TCC/SH/496 dated 16.5.96 and finally he was informed by Respondent No.4 vide his letter No.61(10)91/TCC/SH/566 dated 7.6.95. The claim for transfer T.A. had become time-barred after 15.11.95 itself.

12. That with regard to the contents made in paragraph 4.11, the respondents beg to state that the applicant had addressed an appeal to Respondent No.3 which was forwarded to him with necessary comments by Respondent No.4. An advance copy of the same was already sent by the applicant direct to the Respondent No.3.

13. That with regard to the contents made in paragraph 4.12, the respondents begs to state that the bill dated 23.05.96 was a time-barred bill and the bill dated 25.10.95 which was already passed and further action on that was being taken. His appeal dated 14.6.96 after due processing was forwarded to Respondent No.3 with necessary comments.

14. That with regard to the contents made in paragraph 4.13, the respondents begs to state that the bill of the applicant was duly considered by Respondent No.3 and a reply was issued on 1.8.96, copy annexed as Annexure-V

which.....

which was also vindicates the scrutiny and action taken by the Respondent No.4.

15. That with regard to the contents made in paragraph 4.14, the respondents begs to state that the recovery of the Transfer T.A. is governed by Rules 410 of P&T F.H.B. Manual Vol.I, copy annexed herewith and marked as Annexure R-VII. The Rule 87 of the F.H.B. Vol.I is related to audit recovery and not to the recovery of outstanding Transfer T.A. Advance. The expression of "capriciously and in colourable exercise of power" as expressed by the applicant is highly objectionable.

16. That with regard to the contents made in paragraph 4.15, the respondents begs to state that the applicant has not quoted the Ruling under which he wants to get the delay condoned by either the Respondent No.3 or Respondent No.4. As per SR 194-A, the right of Govt. servant to T.A. including daily allowance, is forfeited or deemed to have relinquished if the claim is not preferred within one year from the date on which it became due. There is no provision for condoning of delay by any authority. The Respondent No.3 vide his letter dated 1.8.96 has informed the applicant on the similar lines that his appeal for condonation could not be acceded to.

17. That with regard to the contents made in paragraph 4.16, the respondents begs to state that the applicant had failed to deposit the excess amount of Transfer T.A. Advance taken by him in one lump sum inspite of.....

of informing him twice in the month of May '96 and June '96. The recovery was started from the month of June '96 only. The action by Respondent No.4 taken was well in accordance with the relevant Rules and has been vindicated by the Respondent No.3 to whom the appeal was made by the applicant

18. That with regard to the contents made in paragraph 5.1 of the application, the respondents beg to state that the order dated 16.5.96 and 7.6.96 are issued considering all the relevant Rulings on the subject. All the formalities were done in accordance with relevant Rulings before passing this order. The expression "in colourable exercise of power in a most high-handed manner" as stated by the applicant are highly objectionable and unbecoming of the part of the applicant.

19. That with regard to the contents made in paragraph 5.2, the respondents begs to state that Rule 87 of P&T F.H.B. Vol.I has no bearing on this present case.

20. That with regard to the contents made in paragraph 5.3, the respondents begs to state that the applicant has no authority to dictate his Controlling Officer what ought to be done as he had drawn the advance for the transfer T.A. and should have been accounted for by him in accordance with the Rules.

21. That with regard to the contents made in paragraph 5.4, the respondents begs to state that the transfer T.A. bill of the applicant was not passed in unholy haste. The bill was submitted by him on 25.10.95 and

and passed on 14.5.96. The word "unholy" used by the applicant is highly prejudicial.

22. That with regard to the contents made in paragraph 5.5, the respondents begs to state that the claim has to be preferred within one month from the date on which it became due and there is no provision for condonation of delay by any authority. The claim for transfer T.A. became time-barred after 16.11.95. Further, it is stated that the delay of 8 days as calculated by the applicant is not correct as the delay in submission of transfer T.A. claim is 189 days.

23. That with regard to the contents made in paragraph 5.6, the respondents begs to state that there is no provision to wait for the decision of any appeal in case of recovery of excess Transfer T.A. advance.

24. That with regard to the contents made in paragraph 5.7, the respondents begs to state that as stated in paragraph 19 above, it is reiterated that the provision of Rule 87 of P&T FHB Vol.I does not relate to recovery of Transfer T.A. advance.

25. That with regard to the contents made in paragraph 5.8, the respondents begs to state that the Respondent No.4 has not infringed any fundamental rights of the applicant. He has discharged his duties as Controlling Officer in accordance with relevant rules.

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26. That with regard to the contents made in paragraph 6 of the application, the respondents begs to state that the remedies sought for by the applicant are unjust and improper. The applicant got his transfer T.A. advance sanctioned irregularly and he did not prefer his claim for the advance taken in due time thereby compelling the authority to recover unadjusted amount from the net drawn salary of the applicant since he did not deposit the excess amount of advance taken by him. It is, therefore, submitted that the applicant is not entitled for any relief.

27. That with regard to the contents made in paragraph 7 of the application, the respondents begs to state that these are matter of record and no reply is required.

28. That with regard to the contents made in paragraph 8 of the application, the respondents begs to state that the applicant is not entitled for any relief because of the following grounds :-

1. That the applicant had taken transfer T.A. advance of Rs.32,000/- inclusive of pay advance of Rs.7000/- for which he was not entitled in accordance with Rules 223 of G.F.R., copy of which is annexed herewith and marked as Annexure R-VIII.

If the bill dated 25.10.95 was to be cancelled, the entire amount of transfer T.A. advance would have been recovered.....

recovered as the applicant had failed to submit his revised transfer T.A. bill within the time limit prescribed, in accordance with S.R. 194 A.

2. That the applicant did not submit his Transfer T.A. Bill in accordance with the S.R. 194 A and his claim for preference of DA was time barred.

3. That there is no provision of condoning the delay as per SR 194 A by any authority.

4. That the entire processing of the Transfer T.A. claim was done in accordance with relevant rules. Therefore, the department is not liable to bear any cost of the application.

5. That the applicant is not entitled to any kind of relief whatsoever.

29. That with regard to the contents made in paragraph 9 of the application, respondents beg to state that the pay of the applicant has been drawn as usual and the unadjusted Transfer T.A. Advance was recovered from the net drawn salary of the applicant as he failed to deposit the excess unadjusted advance as per Rule 410 of P&T F.H.B. Vol.I.

30. That the present application is ill-conceived of law and mis-conceived of fact.

31. That there being no any cause of action, the application is liable to be rejected.

32. That the respondents begs to submit that the unadjusted amount of Transfer T.A. advance has rightly and legally been recovered as there is no provision to wait for the decision of any appeal in case of recovery.

33. That the present application is liable to be dismissed solely on the ground that the claim for transfer T.A. of the applicant had become time-barred and there is no provision to condone the delay in such cases.

34. That the present application is without any merit and hence it is liable to be rejected summarily.

35. That the Respondents crave leave of this Hon'ble Tribunal to file written statement in addition if this Hon'ble Tribunal so directs.

36. That this written statement is filed bonafide and in the interest of justice.

Verification

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VERIFICATION

I, Shri C.Murmu, Vigilance Officer, in the office of the Chief General Manager, N.E, Telecom Circle, Shillong do hereby solemnly affirm and declare that the contents made in paragraph 1 of this Written Statement are true to my knowledge and those made from paragraph 2 to 29 are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 18th day of September, 1996 at Shillong.

Shri C.Murmu

18/9/96

सत्यता अधिकारी
मूल महा प्रबन्ध का कार्यालय
शिलांग
Vigilance Officer
O/o. C.G.M.T., Shillong

DEponent

DEPARTMENT OF TELECOMMUNICATIONS
RE OF THE SUPERINTENDING ENGINEER :: TELECOM CIVIL CIRCLE ::
SHILLONG.

Dated: 22/5/95.

NU: 21(13)95/TCC/SH/633

OFFICE ORDER

In pursuance of D.O.T. New Delhi order No. 3-7/33+
CWG(11) dt. 3.2.95 Sri A.N. Gupta, who is officiating as
Surveyor of Works (C) attached to this Circle is hereby reverted
to the Grade of Assistant Surveyor of Works (C) w.e.f. 17.2.95
afternoon.

Jan 11/95
Superintending Engineer
Telecom Civil Circle
Shillong. 1/15

Copy forwarded for information to :-

Copy forwarded for information to :-

1. The A.D.G.(CW), New Delhi w.r.t. his letter under reference.

2. The Chief Engineer(C), DOT, N.E. zone, Guwahati.
This has a reference for the discussion held with S.E.(IIA)

3. The Surveyor of Works(C), Telecom Civil Circle, Shillong.

4. The A.O.(T/A) & P/O C.G.M.T., N.E. Circle, Shillong.

5. The Accounts Officer, Telecom Civil Division, Shillong.

6. The Cashier, Telecom Civil Circle, Shillong.

7. P/Files of the concerned officer.

Asstt. Surveyor of Works
Telecom Civil Circle
Shillong. 1/15

Y/C

GOVERNMENT OF INDIA'S DECISIONS

11

disposition soon after the arrival of the Government servant, on payment under clause (a) of Rule 223 may be allowed to the extent of the amount drawn by the servant in the discharge of his duty.

(3) Second advance for family members eligible.—Class (c) of Rule 223 gives the privilege to the trial of a second advance to a Government

(4) No advance of pay in case of temporary transfer.—No advances of pay shall be granted in respect of temporary transfer for a period not exceeding 180 days.

Role 27. A computer program may be used to calculate the distance between two points in a coordinate system. The program may also be used to calculate the area of a polygon.

GOVERNMENT OF INDIA'S DESIGN

(1) Certification of term leased lease.—The released leases referred to in this rule should be ones which is satisfied of after the termination of a period of employment and not those which is satisfied of after the termination of a period of employment but before the commencement of a new period of employment.

2. Employment Discontinuance.—Government of India's Central Government and not the State Government is responsible of after the discontinuance of a period of employment and not the State Government is responsible of after the discontinuance of a period of employment.

3. G.O.M.R. No. 17 (A) dated the 21st January, 1964.

4. G.O.M.R. No. 17 (A) dated the 21st January, 1964.

5. Rate 25/- Reversal of Advances.—The amount of advances o

6. Rate 10/- Government: services shall be recovered in the event of cancellation of the lease of an office or an ad-

7. Rate 10/- Government: services shall be recovered in the event of cancellation of the lease of an office or an ad-

8. Rate 25/- Reversal of Advances.—The amount of advances o

9. G.O.M.R. No. 17 (A) dated the 21st January, 1964.

10. In this rule leased lease referred to means leased leases referred to in this rule.

NOTE.—The advances to Government servants, nothing between
Debtors and Debtors with the subscribers of the Government, are
settled by the rules laid down in the Simple Advances Code.
The advances to Government servants, nothing between
be settled in consequence of his transfer, or
(a) in addition to the amount of advance specified in clause (a) or
(b) the amount of advance shown to which he may
claim (c) in addition to the amount of advance specified in clause (a) or
meant property, and
otherwise, the debts or expenses of which is settled as a result of Government
(d) two months, pay by in the case of a Government servant in an
otherwise, which ever is less; or
the transfer, which ever is less; or
(e) one month's pay by one month's pay to which he will be entitled
otherwise, or in receipt of immediate before
the advances to Government servant under this section shall not
be less than the amount of advances. The amount of advance which may
be advanced to a Government servant under this section shall not

GOVERNMENT OF INDIA'S DECISION

E 2-2. An authority's commitment to sanitation advances under this section such advances to itself.

Chairman of Selection—A. Head of Office who, within his or her area of responsibility, is required to pro-
vide for and recommend allowances to the Department of Education for the payment of salaries to pro-
fessionals and technical staff.

ON WITH TRANSFERS AND REINFORCEMENT

SUNDAY, JANUARY 20, 2013

1862-1863. 222

1977-1978 - 1978-1979

— 1 —

5

OFFICIAL BUSINESS
Under Rule 409 of the Vol. I Regulation as hereto
records for transfer in advance of Rs. 32000/- (Rupees
Thirty Two Thousand Only) to the Civil Unit of
the office bearing the travelling expenses were
his promotion and transfer and in the amount of Rs. 1500/-
shallong vide Rule (iv) under Rule 327/93-56 dt. 4/11/1960.

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Details	Amount	Rate
1. Two months pay	2 X 2000	7000/-
2. Packing charges/allowance (L)		1200/-
3. Transfer grant		100/-
4. Fare A/c 1Ind Sloper (1.2)		390/-
5. Fare for family b/ train 1Ind (5 X 1901)		650/-
6. Luggage 6000 Kgs X 2.20		13200/-
		34800/-

The official has recommended for the grant of an advance of Rs. 32000/- only against the above advance. It will be subject to revision in favour of Rs. 33000/- if necessary.

The official has requested for the sum of Rs. 32000/- only against this above advance. The advance will be subject to deduction of his monthly official expenses.

The advance will be
paid of the amount of the
excess of transfers. The head of
the expenditure in debit to the
advance.

rules of the expenditure in
accordance with (1)(A) to advance

SUPERVISOR OF RECORDS AND CHARTS
DEPARTMENT OF TELEGRAPH AND TELEGRAPH
AGENCY OF THE U.S. GOVERNMENT

to 15. 1976. Sanchay Bhawan, 11th

COPY to 1st DEG(BA), OT, Sanchez

1. Sx. DEG(BA), OT, Sanchez
2. G.A.R., Hilltop.
3. G.A.R. (C), North Zone, Hilltop.
4. G.A.R. (T), O/O G.A.R. Hilltop.
5. G.A.R. (C), G.A.R. Hilltop.
6. G.A.R. (C), G.A.R. Hilltop.
7. G.A.R. (C), G.A.R. Hilltop.
8. G.A.R. (C), G.A.R. Hilltop.
9. G.A.R. (C), G.A.R. Hilltop.
10. Sx. G.A.R. (C), G.A.R. Hilltop.

ANNEXURE - R - VI

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CONTROLLING OFFICERS

(S.R. 194)

Provided that duplicate bills are at the same time forwarded to the Controlling Officers concerned for countersignature and transmission to the Accounts Officer.

Delegation of duty of countersignature

S.R. 194. Except where expressly permitted by a competent authority, a Controlling Officer may not delegate to a subordinate his duty of countersignature.

S.R. 194-A. The right of a Government servant to travelling allowance, including daily allowance, is forfeited or deemed to have been relinquished if the claim for it is not preferred within one year from the date on which it became due.

GOVERNMENT OF INDIA'S ORDERS

(1) Non-applicability of this rule to LTC claims.—This rule applies to transfer travelling allowance and conveyance allowance claims also but not to Leave Travel Concession claims which are governed by separate orders.

(G.I., M.F., O.M. No. F. 5 (16)-E. IV (B)/67, dated the 18th October, 1967.)

(2) Disposal of belated claims.—If the travelling allowance claim is not preferred by the administrative authority concerned for payment within one year from the date of its becoming due, it shall not be paid unless the reasons for delay are investigated in detail by the authority competent to sanction and if the investigation shows that the claim could not be preferred in time due to administrative delay without adequate and cogent reasons, suitable action may be taken against the office(s) concerned so that such delays do not recur in future.

(Note 2 below Rule 82 of General Financial Rules, 1963, as inserted by G.I., M.F., No. F. 23 (3)-B. 11/67, dated the 24th July, 1968.)

(3) How recovery of advance taken has to be made.—Where after withdrawal of an advance under the above rule, a Government servant has not submitted the adjustment bill in due time and consequently his right to travelling allowance claim stands forfeited under S.R. 194-A, the advance so drawn shall be recovered from his pay bill or any other dues in one instalment by the authority competent to sanction such an advance.

(G.I.'s Decisions below Rules 226 and 234 of General Financial Rules, 1963, as inserted by G.I., M.F., O.M. No. F. 23 (5)-B. 11 (A)/67, dated the 5th March, 1962.)

(4) Reckoning of dates on which claims falling due for payment and submission of claim.—As per S.R. 194-A all Government servants are expected to prefer their Travelling Allowance claims within one year of

transporation of baggage. In case the family accompanies the Government servant on transfer, the Government servant will be entitled to the same amount of mileage as the Government servant in cases where the Government servant is transferred from a station outside the region to a station in the North-Eastern Region.

(v) This concession is admissible only in cases where the Government servant is transferred from a station within the North-Eastern Region and vice versa; the same is not applicable from one station to another station within the region.

As the packing allowance, which is granted at flat rates, is in the nature of Lump Sum Transfer, the grant of the allowance is not related to the quantity of personal effects carried. In the types of cases referred to above also full rates of packing allowance is admissible with effect from 3-1-1986.

(vi) Road mileage for transportation of personal effects on transfer: In relaxation of orders below S.R. 116, for transportation of personal effects on transfer between two different stations in the North-Eastern Region, higher rate of alluvance admissible for transportation in 'A' class region, subject to the actual expenditure incurred by the Government servant will be admissible.

In relaxation of orders below S.R. 116, for transportation of personal effects on transfer of Government servant who have All India transfer, the same is not admissible.

(vii) Road mileage for transportation of personal effects on transfer: In case the family accompanies the Government servant on transfer, the same amount of mileage as the Government servant will be entitled to the same amount of mileage as the Government servant in cases where the Government servant is transferred from a station outside the region to a station in the North-Eastern Region.

(viii) Special (Duty) Allowance: Central tenures for service in a cadre post will be restricted to two years in cases of metropolitan cities in the North-Eastern Region to that effect. A specific entity shall be made in the C.R. of all employees who rendered a full tenure of service in the North-Eastern Region to that effect. Cases of metropolitan cities in the North-Eastern Region to that effect.

Central requirement of at least three years service in a cadre post will be restricted to two years in cases of remote areas. A specific entity shall be made in the C.R. of all employees who rendered a full tenure of service in the North-Eastern Region to that effect. A specific entity shall be made in the C.R. of all employees who rendered a full tenure of service in the North-Eastern Region to that effect.

(ix) Special Allowance: Central requirement of at least three years service in a cadre post will be restricted to two years in cases of remote areas. A specific entity shall be made in the C.R. of all employees who rendered a full tenure of service in the North-Eastern Region to that effect.

(x) Leave Transfer Concession: In relaxation of orders below S.R. 116, if on transfer to a station in the North-Eastern Region, the family of the Government servant will be admissible.

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM., N.E. CIRCLE,
SHILLONG-793001.

No. AP/TA-MISC/96-97

Dated at Shillong, the 01.08.1996.

(69)

(60)

To

Shri A.N. Gupta
Surveyor of Work (C)
O/O Superintending Engineer
Telecom Civil Circle
Shillong - 793003.

Sub:-

Appeal for condonation of late submitted revised
TA Bill.

Kindly refer to your appeal dated 14.06.96 and
01.07.96 on the subject mentioned above. The C.G.M.T., N.E.
Telecom Circle, Shillong has gone through the details of your
claims with reference to other correspondences from the office
of S.E. Telecom Civil Circle, Shillong.

I have been directed to convey you that the action
taken by SE (Civil) is in order and justified as per rules.
Therefore, it is regretted to inform you that your appeal for
condonation as stated above could not be exceeded to.

Sd/-

(M.K. BHATTACHARJEE)
Sr. Accounts Officer (A&P)
O/O the C.G.M.T./NE Circle/Shillong-1.

Sr. Accounts Officer (A&P)
O/O the C.G.M.T./NE Circle/Shillong-1.

Copy to:-

The S.E. Telecom Civil Circle, Upland Road,
Shillong-793003 with reference to his letters No. 61(10)90/TCC/
SH/686 dtd. 10.07.96 and dtd. 18.07.96 for information.

Ch. 9/2/96
E
S.M.

8/8/96
Sr. Accounts Officer (A&P)
O/O the C.G.M.T./NE Circle/Shillong-1.

Widespread and advanced has been development by a Governmental service, the aim for remuneration of the extra-district increase of the journal shall be submitted within one month of the completion of the circuit journey.

[Rabin 14, C.C.S. (L.T.C.) Rabin, 1988.]

(2) **Claim for L.T.C.** to be presented within three months of completion of return journey—A claim for L.T.C. to be presented within three months of completion of return journey under the terms and conditions shall be submitted within three months of the return journey, if no service had been drawn. Failure to do so will entail forfeiture of the claim and no compensation shall be given.

[D.G., p. 4 T., ND No. 174-80-PAP, dated 10th May, 1960.]

7. In further the provisions of Rule 410 of F.H.E., Volume I, discussed
ce may be strictly observed, as far as admission of travel-
salliations discussed before the tour T.A. bills.

6. The following sections of carriage pending interest of the outstanding
driven capital funds in the same period Rule 57 (2) of the Insurance
Financial Rules (G.I.R.) (1) and (2) below in this Handbook
would also be entitled upon the exercise of delayed conversion of F.A. bills
would the amount of advance not been recovered.

3. No fresh advance should be granted to a Government servant so as to the first advance has not been fully adjusted except in cases where a specific provision is made for the second advance.

However, if the submissions this is ;.A. claim within one year of the filing date, T.A. advances as stated above, there would be no bar for encroachments.

FILE 410] LOANS AND ADVANCES TO GOVERNMENT SErvANTS

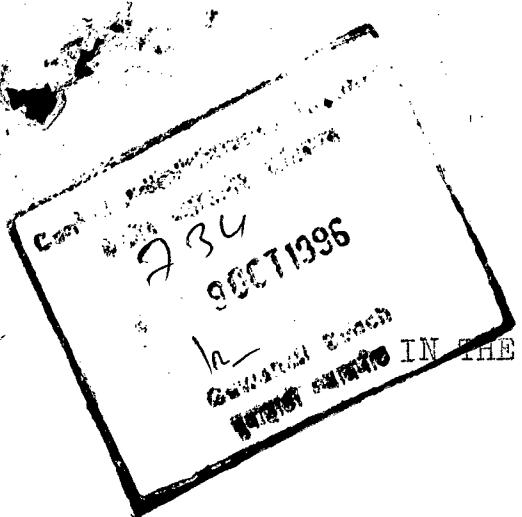
RECTOR-GENERAL'S ORDERS

Signature of member:

President any portion of the advance not so disbursed. If for any reason any sum specified in the budget is not disbursed, the difference will be carried forward to the next financial year. The sum of the advances will be deducted from the sum of the advances on demand.

CHARTS AND ADVANCES TO GOVERNMENT SERVANTS | RULE 416

12



GUWAHATI BENCH

File No. 10
Date of filing 23/10/96
Date of hearing 23/10/96
Central Administrative Tribunals
Guwahati Bench

In the matter of :

O.A.No.136/96

Shri Aryendra Nath Gupta ...Applicant.
-Vs-
Union of India & Ors. ...Respondents.

- AND -

In the matter of :

Additional Written Statement on
behalf of the respondents so far
para 4.8 of the application.

I, Shri C.Murmu, Vigilance Officer, in the
office of the Chief General Manager, North Easter Telecom
Circle, Shillong do hereby solemnly affirm and declare
as follows :-

1. That the Written Statement on behalf of the Respondents in detailed was submitted on 20.9.96.
2. That the allegations levelled against the respondents by the applicant in para 4.8 of the application needs further clarification and hence same is filed as

as Additional Written Statement which runs as follows.

3. That in para 4.8 of the application, the applicant has contended before this Hon'ble Tribunal that due to last minute changes, he could not bring his family and hence his 2nd and 3rd journey should not be disallowed. But in fact, he did bring his family in October '95 and sent back in November '95 and he claimed for Home Town LTC for the year 1994-95, which was allowed. If at all he wanted to bring his family as per transfer T.A. he could have sought permission from his Controlling Officer as six months had expired. Thus, the applicant is trying to mislead the Hon'ble Tribunal for his personal journey undertaken.

4. That with regard to the contents made in paragraphs 4.11 and 4.14 of the application, it is further stated that the contention of the applicant that his claim for DA comes out to be for 161 days is not correct as he has already taken DA for 47 days in January '95 and for 9 days in August '95 while on tour. Also he has been on EL for 22 days in February '95 and for that DA for 24 days (with prefix/suffix) can not be admissible.

5. That this Additional Written Statement is filed bonafide and in the interest of justice.

Verification.....

B.M

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VERIFICATION

I, Shri C.Murmu, Vigilance Officer, in the office of the Chief General Manager Telecom, North Eastern Circle, Shillong do hereby solemnly affirm and declare that the contents made in paragraph 1 & 2 of this Additional Written Statement are true to my knowledge and the contents made in paragraphs 3 & 4 are derived from records which I believe to be true and paragraph 5 is humble submission before this Hon'ble Tribunal.

AND I sign this Verification on this 21st day of September, 1996 at Shillong.

Shri C.Murmu
21/96
D E R. OF N.E.C.T.
मूल रक्त प्रमाण का कार्यालय
Shillong
Vigilance Officer
O/o. C.G.M.T., Shillong