

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**OA-180/2013
MA-138/2013
With
OA-189/2013**

Reserved on : 21.04.2016.

Pronounced on : 25.04.2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

OA-180/2013, MA-138/2013

1. Employees Provident Fund Union through
Its General Secretary Zakir Hussain,
A-2/C, Sector-24,
Noida.
2. Sh. Adarsh Pandy,
A-2/C Sector-24,
Noida.

.... Applicants

(through Ms. Isha Thakur, Advocate)

Versus

1. Union of India through Secretary,
Ministry of Finance, Dept. of Expenditure,
Govt. of India, North Block, New Delhi.
2. The Secretary,
Dept of Personnel & Training,
Govt. of India, North Block,
New Delhi.
3. Commissioner,
Central Provident Fund Commission,
Employee's Provident Fund Organisation,
Ministry of Labour & Employment,
Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Place,
New Delhi.

.... Respondents

(through Sh. D.S. Mahendru and Ms. Sheenu Chauhan for Sh. Balraj Dewan,
Advocates)

OA-189/2013

1. Employees Provident Fund Union
Through its President Sh. Anoop Singh

Bhavishya Nidhi Bhawan,
Sector 15-A, Faridabad.

2. Employees Provident Fund Staff Union
Through its General Secretary Sh. Sukhbir Singh,
Bhavishya Nidhi Bhawan,
Plot No. 43, Sector-44,
Gurgaon.
3. Dr. J.C. Thukra S/o Sh. P.N. Thukral,
R/o J-193, Vikas Puri, New Delhi.
4. Sh. Dhanwant Singh S/o Sh. Madho Singh,
R/o 68, Hope Aptts., Sec.15,
Part II, Gurgaon.
5. Sh. P.S. Jamwal S/o Sh. P.R. Jamwal,
R/o H.No. 42 OP Sector 45, Gurgaon.
6. Sh. Robin Banerjee S/o Sh. S.K. Banerjee,
R/o 17A/11, W.E.A. Karol Bagh, New Delhi.
7. Sh. N.K. Dewan S/o Sh. P.D. Dean,
R/o H.No. 5F/47A, NIT Faridabad.
8. Sh. Dileep Kumar Gupta,
S/o Sh. R.S. Gupta,
H.No. 570, Sector-45, Gurgaon.
9. Sh. Satish Kumar Gupta,
S/o Sh. H.C. Gupta,
R/o 2/35, Part-I, Roop Nagar,
Delhi.
10. Sh. D.C. Gangual S/o Sh. Jhamman Singh,
R/o 10/311, D.P. Extn., New Delhi-62.
11. Sh. Gokul Prasad S/o Sh. Indraj Singh,
R/o 118C, Shopra Sun City, Indirapuram,
Gzd.
12. Sh. V.K. Roy S/o late Sita Ram Roy,
793, Sector 45, Gurgaon.
13. Sh. R.S. Tanwar S/o Sh. Surat Singh,
R/o 44/A, DDA, LIG, Maya Kunj,
Maya Puri, New Delhi.
14. Dr. Suresh Kumar Yadav,
S/o Sh. R.S. Yadav,
1662, Sector-10A, Gurgaon.

15. Sh. Amar Chand S/o Panchhi Ram,
H.No. 858, Sector-46, Gurgaon.

16. Sh. Vinnet Gupta S/o Sh.
I-43, Sector-22, Noida.

17. Sh. A.K. Madaan S/o Sh.
5/39, Sector-5, Rajinder Nagar,
Sahibabad, Gzd.

18. Sh. Harinder Singh S/o
H.No. 168, Maliwara, Gzd.

19. Sh. J.S. Duggal S/o Sh.
581, Sector-5, Vaishali, Gzd.

20. Kuki Bhatia S/o
A-14, Sector-22, Noida.

21. Sh. S.K. Sharma S/o Sh.
B-9/4C, Uday-giri Aptts. Sector-34,
Noida.

22. Sudesh Chawla S/o Sh.
B-3/227, 1st Floor, Aravali Aptts.,
Sector-34, Noida.

23. Sh. T.C. Aggarwal S/o Sh.
13/B, Dhawalgiri Aptts., Sector-11,
Noida.

..... Applicants

(through Ms. Isha Thakur, Advocate)

Versus

1. Union of India through Secretary,
Ministry of Finance, Dept. of Expenditure,
Govt. of India, North Block, New Delhi.

2. The Secretary,
Dept of Personnel & Training,
Govt. of India, North Block,
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3. Commissioner,
Central Provident Fund Commission,
Employee's Provident Fund Organisation,
Ministry of Labour & Employment,
Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Place,
New Delhi.

.... Respondents

(through Sh. D.S. Mahendru and Ms. Sheenu Chauhan for Sh. Balraj Dewan, Advocates)

ORDER

The issue involved in these two OAs is the same. Hence, they are being disposed of by this common order. These two OAs have filed with the following prayer:-

- “(i) That the Hon’ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dtd. 1-08-2012 declaring that the same is illegal, arbitrary and against the law and consequently pass an order directing the respondents to continue granting the Transport Allowance to the applicants and all the employees those who are working at Gurgaon & Faridabad at Delhi rates with all the consequential benefits as granted since long.
- “(ii) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicant with the cost of litigation.”

2. It is seen that the applicants herein sought quashing of the impugned order dated 01.08.2012 by which they were denied Transport Allowance at Delhi rates.

3. This issue was dealt by us in OA-2080/2012 (Murari Lal Rustagi Vs. UOI & Ors.) and the following directions were given by our order dated 04.10.2013:-

“6.5 In this case interest of thousands of employees was involved and the controversy has been going on for some time resulting in lot of confusion and various Court cases. The Ministry of Finance should have examined this issue holistically and issued comprehensive instructions on the subject. However, even after Court orders in the year 2005-2006 they chose to keep silent. Moreover, while issuing orders regarding TA in pursuance of Sixth CPC recommendations they did not examine this issue at all. Even when directions were given in OA-805/2011 to re-examine the issue particularly the fact that different Ministries were giving TA at different rates to their employees the Ministry of Finance only chose to issue O.M. dated 01.08.2012 without considering the matter holistically and at appropriate level. During the course of arguments, learned counsel for Ministry of Finance Ms. Geeta Luthra had fairly submitted that the Ministry of Finance were prepared to reconsider the issue holistically and place the matter before the Hon’ble Finance Minister for decision.

6.6 Under these circumstances, we quash the O.M. dated 01.08.2012 and direct the respondent-Ministry of Finance to re-examine the whole issue holistically taking into consideration its history starting from the issue of O.M. dated 03.10.1997, the various directions given by this Tribunal from time to time and the arguments advanced by the applicants in all these OAs mentioned in earlier part of this judgment for grant of special dispensation to satellite towns. This consideration will be done within a period of eight weeks from the date of receipt of a certified copy of this order and the decision taken will be communicated to the Ministries by means of a reasoned order. We also direct that till such consideration is made and orders issued by the Ministry of Finance, the employees will continue to draw the TA at the rates at which they have been drawing the same so far and no recovery will be made from them till then. Needless to say that if the applicants are aggrieved by the decision taken by the respondents, they will be at liberty, if they so desire, to challenge the same by means of appropriate judicial proceedings. Accordingly, all these OAs are disposed of. There will be no order as to costs."

3.1 In compliance thereof the respondents had passed order dated 07.03.2014. This was again challenged before us in OA-996/2014 along with other connected matters. By our order dated 18.03.2015 we quashed the aforesaid O.M. as well and directed the respondents to pass fresh orders in accordance with the directions given by us in our order.

4. It is obvious that the prayer made in these two OAs has already been considered by us. No further orders are therefore necessary. These OAs stand disposed of in terms of our order in OA-2080/2012 (supra). No costs.

(Shekhar Agarwal)

Member (A)

/Vinita/