

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

T.A.No.1/2017

Thursday, this the 30<sup>th</sup> day of November 2017

**Hon'ble Mr. K.N. Shrivastava, Member (A)**

Mohd. Iqbal s/o Valaghat  
Aged about 50 years  
r/o H.No.240 Gali No.5  
Jogabai, Ext. Jamia Nagar  
New Delhi – 110 025

..Applicant

(Applicant in person)

Versus

1. GNCTD  
Through, Director of Education  
Old Secretariat of Delhi  
Delhi

2. Chief Secretary  
Department of Education  
Old Secretariat, Delhi

..Respondents

(Mr. Vijay Pandita, Advocate)

**O R D E R (ORAL)**

The Hon'ble Supreme Court in **Deaf Employees Welfare Association & another v. Union of India & others** (W.P. (C) No.107/2011) decided on 12.12.2013 has held that the deaf and dumb persons are also eligible for grant of transport allowance on par with blinds and orthopedically handicapped employees. The applicant is suffering with hearing impairment and in view of the aforesaid judgment, he has become eligible for receiving the transport allowance, which is double of the normal transport allowance.

2. Mr. Vijay Pandita, learned counsel for respondents placed on record an order dated 13.11.2017 issued by the Deputy Director of Education, South-East District, New Delhi sanctioning the transport allowance at double the normal rates to the applicant. The order, however, stipulates that such transport allowance would become payable to the applicant after he submits medical certificate in conformity with the rules of conditions laid down for said eligibility as per O.M. dated 17.01.2017. The applicant submits that he has already submitted the requisite certificate dated 27.11.2017. Mr. Pandita acknowledges that such a certificate has indeed been received by the respondents. Hence, the order dated 13.11.2017 becomes operational.

3. The applicant claims that he had become entitled for grant of transport allowance from September 2008 and that he is eligible for receiving transport allowance from September 2008 to January 2014. He, however, acknowledges that he has received transport allowance from February 2014 to October 2016. Pertinent to note that the eligibility of deaf and dumb persons for transport allowance got established only after the judgment of the Hon'ble Apex Court dated 12.12.2013 (supra).

4. In this view of the matter, taking cognizance of the fact that the applicant has already been paid transport allowance from February 2014 to October 2016, I am of the view that the applicant must be granted transport allowance from November 2016 and hence, he is eligible for any arrear on this count.

5. In view of the factual position noted in the pre-paragraphs, this T.A. is disposed of in the following terms:-

(a) The respondents shall pay arrears of transport allowance as per eligibility of the applicant from November 2016.

(b) The respondents shall pay regular transport allowance to the applicant in terms of the order dated 13.11.2017 hereafter.

(c) The applicant shall not be entitled for any interest on the arrears of transport allowance.

No order as to costs.

**( K.N. Shrivastava )**  
**Member (A)**

**November 30, 2017**  
/sunil/