

**Central Administrative Tribunal
Principal Bench**

**CP No.595/2014
in
OA No.2973/2012**

New Delhi, this the 15th day of December, 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Jawed Ahmed,
Aged about 57 years,
S/o Late Abdul Mannan,
Working as Sr. Section Engineer /W/Eviction,
Northern Railway, DRM Office,
New Delhi.

...petitioner

(In person)

Versus

Shri R.K. Goyal,
Additional General Manager,
RITES Ltd.,
Rites Bhawan,
Sector 44, Plot 144, Gurgaon.

...respondent

(By Advocate : Shri G.S. Chaturvedi)

ORDER (ORAL)

Mr. A.K. Bhardwaj, Member (J) :-

On 28.10.2015, this Tribunal passed the following order :-

“Learned counsel for respondents submitted that the applicant has already been reimbursed the expenses incurred by him on transportation / TA when he was posted in Sri Lanka and the directions contained in paragraph 11 (ii) & (iii) of the Order dated 12.08.2014 have been complied with.

The applicant, who is present in person, submitted that during the first six months of posting, he was allowed to travel by taxi and expenses incurred by him on transportation were reimbursed, while now the reimbursement of the expenses is as per the bus fare.

Learned counsel for respondents submitted that for first six months the applicant was permitted to travel by taxi with prior approval of the authorities, whereas for the period in question there was no prior approval.

We are of the considered view that once for the first six months the applicant was permitted to travel by taxi and the expenses incurred by him were reimbursed, the respondents could not have raised a new condition for reimbursing the amount for subsequent period. The reimbursement of expenses incurred by the applicant on Transportation / TA in question should be in the same manner in which those were reimbursed during first six months would be the true compliance of the directions of the Tribunal. Let needful be done by the respondents within two weeks.

List on 27.11.2015."

2. Today, learned counsel for respondents submitted that the respondents have already paid Rs.1,53,137/- to applicant. The summary of payment made to the applicant reads thus :-

“Summary”

| | Amt in SLR |
|---|------------|
| Initial Unpaid conveyance | 368150 |
| Partial Payments made (CAT decision) | 27160 |
| Partial Payments made (CAT decision) | 3880 |
| Balance to be paid | 337110 |
| Conversion Rate (as on 04.12.2015) 1 LKR=INR 0.45426 | |
| Amount Paid in INR | 153136 |

3. The direction by this Tribunal in the OA contained in para 11 of the order dated 12.08.2014, reads thus :-

“11. In the light of the discussion herein above, we dispose of this OA with the following directions:

(i) The respondent no.2 shall give a show cause notice to the applicant with regard to the forfeiture of retention money by giving the reasons for doing so and then pass a reasoned and speaking order in accordance with law after giving due consideration to the representation submitted by the applicant.

(ii) The respondents shall consider the claims of the applicant in respect of hiring of vehicles with reference to the duty actually performed by him and consider sanctioning amount as admissible under the rules keeping in view the fact that the respondents were duty bound to provide him adequate transport to perform his official duties.

(iii) The claim of the applicant in respect of TA/DA shall also be considered in terms of the rules of the respondent company.

The period from 14th to 20th January, 2011 shall be treated as forced halt and the salary for this period or compensation in the form of DA shall be considered in terms of the extant rules governing forced halts.

The office order no. DP/14/2010 dated 18.01.2011 is quashed with a direction to the respondents to issue a fresh repatriation order from an appropriate date after the date of return of the applicant from Sri Lanka. The respondent shall also pay the salary for the period, if any, falling between the date of return from Sri Lanka and the date of repatriating the applicant to his organisation.

The payment of US \$ 1080 shall also be processed in terms of the provision in the agreement that

such payments will be calculated according to the exchange rate applicable on the date of such payment and the difference, if any, will be paid to the applicant.”

4. In our view, the respondents have complied with the order passed by this Tribunal substantially and there is no wilful disobedience of the aforementioned order. If the applicant has any grievance regarding the rate of conversion between dollar and rupee, he may work out his right in appropriate proceedings, if so advised.

5. Accordingly, the CP is closed. Notice issued to the respondent stands discharged. No costs.

(Shekhar Agarwal)
Member (A)

(A.K. Bhardwaj)
Member (J)

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