

**Central Administrative Tribunal
Principal Bench**

**OA No.315/2016
MA No.306/2016**

Order pronounced : 08.02.2016

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

Shri Mahesh Pal Singh & Ors.

...applicants

(By Advocate : Shri S.K. Gupta)

Versus

Union of India & Ors.

...respondents.

(By Advocate : Shri Gyanendra Singh)

ORDER (On Interim Relief)

Mr. V.N. Gaur, Member (A) :-

Heard the learned counsels from both sides on the issue of interim relief.

2. Learned counsel for the applicants submitted that the applicants who are Central Government employees posted at Faridabad were getting Transport Allowance at par with the employees posted in Delhi. However, following the decision of the respondent No.1 to treat Faridabad in the definition of "Other Cities" as per OM dated 03.10.1997 for the purpose of grant of Transport Allowance, the Transport Allowance paid to the

applicants had been reduced by OM dated 26.10.2015 and recovery ordered. He further submitted that the OM dated 01.08.2012 issued by respondent No.1 by which NOIDA, Faridabad, Ghaziabad were ordered to be placed in category of “Other Cities” was quashed and set aside by this Tribunal vide order dated 04.10.2013 and the respondents were directed to pay Transport Allowance at the existing rates. The respondent No.1 was also directed to take a holistic view in the matter and accordingly the respondent No.1 has issued impugned order dated 26.10.2015. He made a prayer for interim relief staying the operation of the impugned OM dated 26.10.2015 and maintenance of status quo as on today. Learned counsel for applicants also stated that in similar matters in OA No.4663/2015 and OA No.386/2016 and batch, Coordinate Benches of this Tribunal have stayed the recovery in pursuance of the impugned order.

3. The learned counsel for the respondents vehemently opposed granting of any interim relief stating that fixing the rate of Transport Allowance was a matter of policy lying within the domain of the Government. The respondent No.1 has already passed a detailed speaking order vide OM dated 26.10.2015 explaining the reason why in respect of payment of Transport Allowance the satellite towns of Faridabad, Ghaziabad, Gurgaon and Noida cannot be treated on the same footing as in the case of payment of

erstwhile City Compensatory Allowance or House Rent Allowance. He sought time to seek instructions and file counter reply.

4. Having considered the submissions of the learned counsels and the orders passed by Coordinate Benches in similar cases, it is ordered that recovery to be effected following the OM dated 26.10.2015 (impugned) shall be stayed till further orders.
5. The respondents are directed to file reply in the OA as well as in the MA within a period of four weeks.
6. List on 08.03.2016.

(V.N. Gaur)
Member (A)

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(A.K. Bhardwaj)
Member (J)