

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/4266/2013
M.A./100/46/2014

New Delhi, this the 25th day of October, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

Thawar Dass Kukreja,
Son of Late Shri Dharam Dass Kukreja,
Resident of G-10, Lajpat Nagar Part-II
New Delhi-110024 is working in the
National Commission for Scheduled Tribes (NCST),
B Wing, 6th Floor, Lok Nayak Bhawan, Khan Market,
New Delhi-110003 ... Applicant

(Through Shri Padma Kumar S. with Ms. Uma Prasuna Bachu,
Advocates)

Versus

1. The Secretary to the GOI
National Commission for Scheduled Tribes,
B Wing – 6th Floor, Lok Nayak Bhawan, Khan Market
New Delhi-110003
(hereinafter referred to as Respondent No.1/NCST)
2. Chairman cum Managing Director
National Scheduled Tribes Finance and Development
Corporation
NBCC Tower, 5th Floor,
15, Bhikajee Cama Place,
New Delhi-110066
(hereinafter referred to as Respondent No.2/NSTFDC)
3. The Secretary to the GOI
Ministry of Tribal Affairs,
7th Floor, A Wing, Shastri Bhawan,
New Delhi-110001
(hereinafter referred to as
Respondent No.3/MTA) ... Respondents

(Through Dr. Ch. Shamsuddin Khan, for respondents 1 & 3
Shri K.S. Negi and Shri Alok Kumar, for respondent
2)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant was functioning as Senior Manager in the National Scheduled Tribes Finance and Development Corporation (NSTFDC), second respondent herein. After taking his consent, he was deputed to function as Private Secretary to the Chairperson, National Commission for Scheduled Tribes (NCST) through order dated 21.12.2012. It was mentioned that the applicant would be entitled to draw same scale of pay and salary, as he was drawing in the second respondent. According to the pay structure that was being implemented in the second respondent organization, an employee was entitled to be paid allowances to the extent of 50 percent of the basic pay. For this purpose, various options were provided out of which an employee can choose, up to the limit of 50 percent of basic pay. One such option exercised was Children Education Allowance (CEA), up to the extent of ten percent.

2. While in service of second respondent, the applicant was claiming and was paid the CEA for the education of his daughter in respect of two courses simultaneously i.e. course of Chartered Accountancy and B.Com (Hons). The allowance was stopped by stating certain reasons. The applicant made a representation dated 16.09.2013 in this behalf. This was followed by a letter from the Chairperson, NCST dated 24.09.2013.

3. This O.A. is filed with a prayer to direct the respondents to pay CEA with effect from 7.09.2012 as provided for in office order dated 21.12.2012 and to set aside the communication dated 9.01.2013 whereby he was informed that the CEA would be allowed only for regular course of study upto graduation level from any recognized institution.

4. The applicant contends that he was entitled to be paid CEA but the first respondent stopped it without any basis. It is also stated that in case the CEA was impermissible, he has the option to choose some other allowance and even that was not permitted.

5. The respondents filed a detailed counter affidavit opposing the O.A. It is stated that the applicant is not entitled to be paid CEA on account of the fact that two studies were claimed for the same individual and further, the Chartered Accountancy course is not a regular course. Other grounds are also pleaded.

6. Heard Shri Padma Kumar S., for the applicant and Shri Shri K.S. Negi and Shri Alok Kumar, for respondent no.2 and Dr. Ch. Shamsuddin Khan, for respondents 1 & 3.

7. We are indeed pained to see that an officer of the rank of the applicant has bestowed his attention for so many years on a small and trivial issue like CEA. At a time when the country is progressing towards providing education, and even persons without adequate resources, such as daily wagers take pride in getting their children educated, the applicant who is a highly

placed employee, drawing huge amount of salary is pursuing a totally unsustainable claim in respect of his daughter. It looks as though his daughter has become so burdensome to him that he cannot provide education to her, except with the allowance to be provided by an organization meant for the welfare of the STs. Further the claim is being made for two courses for an individual at the same time. The attitude of the applicant is totally deplorable. We are compelled to say this from a paragraph written by him in his representation, which reads as under:

"8. In reply to NCST's reference seeking details of procedure in NSTFDC, NSTFDC, initially vide its letter dated 9/1/2013 informed NCST that CEA was allowed for B.Com (Hons) course and tuition fees receipts etc. were required to be submitted by the employee to NSTFDC. Afterwards NSTFDC changed its earlier version and informed NCST, vide its letter dated 17/4/2013 that the CEA was allowed for completion of B.Com. (Hons) course but was not allowed for Chartered Accountancy course, reasons of changed version of NSTFDC unclear. Nor NSTFDC provided copy of its approved rules to NCST despite specific request for the same of NCST vide its letter dated 28/1/2013."

The applicant wants to claim reimbursement for two courses being studied by his daughter. The rules do not permit this and when he was informed of the same, he went on to the extent of accusing the entire administration of second respondent. Para 12 of the representation reads as under:

"12. Bias and Grudge & causes : Intimation of NSTFDC to NCST about the inadmissibility of CEA for Chartered Accountancy Course and excess payment etc. is not only baseless, false and contrary to the approved rules dated 30/4/2009 of NSTFDC but apparently sad course of action of NSTFDC is on account of the fact that the Management of NSTFDC is highly bias and prejudice towards me because during the performance of my duties in 2004-2008 in NSTFDC, I had brought out on records several violations of rules/malpractices/lapses/ departures etc. in the functioning of NSTFDC and in particular

it concerned Sr. Manager (Pers. & Vig), NSTFDC and such all transactions were well within the knowledge/ approval of the CMDs of NSTFDC. Copies of my letter dated 1/1/2009 (Annexure F), letter dated 22/4/2013 (Annexure G) mention about above are attached herewith. Further, I also enclose herewith a copy of letter dated 17/6/2013 (Annexure H) which shows as to how illegal method was used by the officials of NSTFDC to settle the grudge."

8. We disapprove the attitude of the applicant and dismiss the O.A. M.A. pending, if any, also stands disposed of. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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