

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 21/1150/2016

Date of Order: 18.02.2019

Between:

Dr. S. Sudhakar, S/o. late S. Rajeswara Rao, age 61 years,
Former Director, North Eastern Space Applications Centre,
Department of Space, Govt. of India, Umiam – 793103,
Meghalaya, India, at present R/o. S.R. Apartment,
Flat No. 304, Sai Krishna Colony,
Old Bowenpally, Secunderabad – 500 011.

... Applicant

And

1. Union of India, Rep. by its Secretary,
Dept. of Space, New BEL Road,
Bangalore – 560 231.
2. Indian Space Research Organization (ISRO),
Rep. by its Chairman, New BEL Road,
Bangalore – 560231.
3. National Remote Sensing Service Centre,
Rep. by its Director, Balanagar, Hyderabad.
4. North Eastern Space Applications Centre,
Rep. by its Director, Department of Space,
Govt. of India, Umiam – 793103, India.
5. The Secretary, Ministry of Finance,
Govt. of India, North Block,
New Delhi – 110 001.
6. The Secretary, Ministry of Personnel, P G & Pensions,
Department of Personnel and Training,
Govt. of India, North Block, New Delhi – 110 001.

... Respondents

Counsel for the Applicant ... Dr. P.B. Vijaya Kumar

Counsel for the Respondents ... Mr. V. Vinod Kumar, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. The OA has been filed for not releasing the benefits due to the applicant on his retirement.

3. Applicant while working in the National Remote Sensing Centre (NRSC), Hyderabad of the respondents Organisation, applied for the post of Director, North Eastern Space Application Centre (NESAC), Shillong, which also belongs to the respondents. On selection, applicant joined the new post on 24.11.2011 after submitting technical resignation to NRSC and was paid Composite Transfer/Conveyance etc. As his mother could not cope up with Shillong weather, she was sent back to Hyderabad, the old work station of the applicant. Invoking provisions for grant of additional HRA for working in North Eastern Region, applicant claimed HRA at old Station, which was allowed. However, audit took objections to the payment of transfer allowance, composite grant, HRA at old station resulting in a sum of Rs.10,57,371 being withheld on the eve of the retirement of the applicant. Representations were made on 5.1.2016 and 7.9.2016 to the Scientific Secretary and Chairman, Indian Space Research Organisation respectively but of no avail. Hence, the OA.

4. The contentions of the applicant are that with prior approval of the respondents to pay composite grant, TA etc. for joining NESAC, he joined the new post. A vested right has been accrued after he worked in the said post and that he is legally entitled for the composite grant, TA, HRA etc.

5. Respondents confirm that they did clarify to the applicant that he is entitled for joining time, transfer TA, pension facility etc as he was posted to NESAC in Public Interest on immediate absorption basis. Applicant was also

granted HRA at old station Hyderabad besides granting HRA at the new work station as per Dept of Space Ir dt 28.4.2011. The applicant was a Central Govt. employee as he worked for NRSC and on immediate absorption basis was posted to NESAC in public interest. The posting was treated as a transfer between two organisations under Dept. of Space. Hence composite grant, TA, etc were paid to the applicant who joined the new post and additional HRA at old station as per prevailing guidelines. Audit raised objection to the payment of TA, composite grant, additional HRA in 2013 to the extent of Rs.10,57,371 and did not admit it, though it was explained that the applicant was posted to NESAC in public interest and that the joining at NESAC by the applicant was treated as a transfer between two units of the respondents organisation. Subsequently Audit in 2015 advised the respondents to obtain concurrence of Ministry of Finance for extending the benefit of composite grant, TA, HRA etc. Accordingly, the same has been taken up with the Ministry of Finance and the concurrence is awaited. In the meanwhile, applicant retired on superannuation on 30.4.2015. Thus it was because of audit objection the amount cited was withheld and that as soon as the concurrence of the Ministry of Finance is received it will be released.

6. Heard both counsel. They argued as per written submissions made. Perused documents submitted.

7(I) As seen from the submissions made by the respondents they have agreed to pay the composite grant, TA, HRA etc to the applicant by treating his posting at NRSAC in Public Interest and as a transfer between two units under the aegis of Dept. of Space. There is no dispute on this account. However, audit has raised an objection and advised to seek concurrence of the Ministry of Finance for effecting payment towards Composite grant, TA, HRA etc. Accordingly, respondents have taken up the matter with Ministry of Finance for concurrence.

There appears to be only a procedural delay. Respondents are willing to release on obtaining the concurrence of the Ministry of Finance.

II. Learned counsel for the applicant has pleaded that the OA be disposed by giving a direction to the respondents to consider the facts of the case and release the withheld amount. Learned counsel for the respondents consented for the same.

III. In view of the submissions made by both the Ld. counsel, OA is disposed with a direction to the respondents to seek concurrence of the Ministry of Finance within a period of 3 months and release the amount withheld. It is open to the applicant to approach this Tribunal if the grievance remains unresolved within the stipulated time period.

IV. With the above direction, the OA is disposed with no order to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 18th day of February, 2019

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