

## CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHCIRCUIT BENCH AT RANCHIOA/051/00159/2017Date of Order:- 29 -Nov-2018**C O R A M**

HON'BLE MR. JAYESH V.BHAIRAVIA, MEMBER (JUDL.)

HON'BLE MR. B.V.SUDHAKAR, MEMBER (ADMN.)

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Ajay Kumar Rai, son of Late Bishwanath Rai, working as Senior Section Engineer (Works), South Eastern Railway, Ranchi, Residing at C/o-Sri Nawal Barai, At Upper Chutia (Near Indira Gandhi Chowk), PO-Krishnapuri, PS-Chutia, Distt.-Ranchi-834 011.

.....Applicant.By Advocate:- Mr. Ravi Kumar Singh

Vs.

1. Rail Vikas Nigam Limited represented through the Chairman and Managing Director, 1<sup>st</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110 066.
2. The Joint General Manager/Finance/Rail Vikas Nigam Ltd., Near Majherhat Railway Station, Kolkata-700 053.
3. The Dy. General Manager (HR)/Rail Vikas Nigam Limited, 24, Deshpran Sasmal Road, Near Tollygunj Railway Station, Kolkata-700 033.
4. The Chief Personnel Officer, South Eastern Railway, Garden Reach, Kolkata-700 043.
5. The Sr. Divisional Personnel Officer, South Eastern Railway, Ranchi Division, Ranchi-834 003. ....Respondents.

By Advocate:- M.rPrabhat Kumar, Standing Counsel.**O R D E R (ORAL)****Per B.V.Sudhakar, Member (Admn.):-**

2. The OA is filed against the order of recovery of Rs 32,163 vide Ir dt. 1.5.2017 issued by 2<sup>nd</sup> Respondent , for not recalculating the depreciated value of furniture etc and for not paying TA & mileage allowance.

3. Brief facts of the case are that the applicant joined the Respondents organisation as a junior Estimator on 12.5.1998 and rose up to the rank of Sr Section Engineer. Thereafter, the applicant joined Rail Vikas Nigam Ltd., (RVNL) on 3.7.2012 as Assistant Manager on deputation for a period of 3 years upto 2.7.2015. The deputation period was further extended by another 2 years upto 2017 by mutual consent of the parent and the borrowing organisations respectively. However, the deputation was prematurely cancelled on 10.2.2016 by RVNL Ltd and placed the services of the applicant at the disposal of the parent Organisation. On 29.2.2016 the applicant was relieved and the period from 1.3.2016 to 12.5.2016 was treated as extension of deputation by granting leave to the Applicant by RVNL Ltd . Applicant moved the Honourable Kolkata bench of this Tribunal in OA 356/2016 against the premature termination of deputation which the Honourable bench allowed it on 1.6.2016 but since it was not implemented a contempt has been filed and the same is pending for adjudication. However, the Applicant joined the parent organisation on 13.5.2016 amidst these developments. While settling the dues to be paid by RVNL Ltd, dispute arose in regard to lease

rent, depreciated value of furniture, lap top, mobile and payment of TA/ mileage allowance etc and in this context the OA has been filed.

4. The contentions of the applicant are that as per deputation policy of RVNL Ltd the applicant is permitted to buy house hold furniture etc which is reimbursed with the condition that after completion of deputation the applicant has to pay the depreciated value of the items bought to RVNL Ltd and retain the items. Further, the applicant was provided leased accommodation in lieu of Government accommodation and the annual lease was valid for the year 2015-16 upto 4.7.2016 but the rent was not paid from March 2016 in view of the termination of the deputation without giving one month's notice to the land lady as per lease agreement. However, the lease rent was paid to the Land Lady on representation up to 12.5.2016 vide Ir dt 15.11.2016 of RVNL Ltd. The applicant claims that rent has to be paid till the date of his vacation of the accommodation since the lease was valid up to 4.7.2016 but since the rent was paid only upto 12.5.2016 the applicant had to pay Rs 35,012 towards rent from 13.5.2016 to 4.7.2016 and get his house hold goods released from the leased accommodation.

Further as the applicant was not granted any pass to travel he made his own arrangements to travel back incurring an amount of Rs 15,060 which he claimed as TA and mileage allowance. The same is yet to be released. The applicant has moved MA no 160 of 2018 for payment of ex-gratia for the period 1.4.2016 to 12.5.2016 as was paid to other deputationists.

5. Respondents inform that since the applicant was on the rolls of RVNL Ltd up to 12.5.2016 the depreciated value of furniture , lap top and mobile has to be calculated up to this date as per rules and not for the entire tenure up to 2.7.2017. The lease deed for the leased accommodation provided is terminated on the transfer of an officer and accordingly it was terminated when the applicant was repatriated to his parent department. Further, letters sent to the Land Lady as per the address given by the applicant were all returned unserved by post and courier. Regarding claim of transport allowance the applicant initially made a claim vide Ir dt 26.9.2016 for train journey and on being asked to produce tickets vide RVNL Ltd Ir. dt 29.9.2016 the applicant made a claim of Rs 34,980 vide Ir. dt 18.10.2016 which was later modified to Rs 15,060 without supporting documents

leading to doubts about the claim made. The applicant was repatriated as per the orders of the parent department and hence there is no personal grudge against the applicant. A review petition was filed in Honourable bench of Kolkata in regard to the OA 356/2016 and it is yet to be heard. Before the decision on the Review application, the applicant on his own volition has joined the parent organisation on 13.5.2016. Payments were made to the applicant excepting TA due to confusion, as per company policy. In regard to the rent for the month of June and July 2016 the applicant claimed HRA from the parent department and which was paid as per the salary slip of June/July 2016 marked as R-3 & R-3/1 respectively.

6. Heard the learned counsel and perused documents placed on record. The learned counsel stuck to the stands taken in the written submissions made.

7. The first issue involved in the OA is regarding payment of rent for leased accommodation from the date of relief of the applicant from deputation till he vacated the premises provided by RVNL Ltd. The issue has been resolved by payment of HRA to the applicant as per the salary slips for the months of June and July 2016. The applicant has a right

to claim HRA after being relieved on 12.5.2016 from the date of joining the parent organisation on 13.5.2016 as per the extant rules on the subject from the parent organisation. The applicant cannot claim both HRA and leased rent paid to Land Lady by him from RVNL Ltd for the period in question as it would be construed as double payment and hence irregular. Coming to the depreciation value to be calculated the Respondents have been fair to calculate till the date of his relief on deputation. The applicant cannot claim for the period for which he was not serving RVNL Ltd on deputation. Regarding the TA claim made it was specified by the Applicant that since no transfer railway pass was issued he has made his own arrangement for travel and made an initial claim for Rs 34,980 vide Ir. dt 27.9.2016. No where it was said that he travelled by train. As he travelled by road he claimed for road mileage. The applicant has calculated mileage separately for self and family . Thereafter the applicant revised the claim as per Ir dt. 18.10.2016 where in he stated that due to ignorance of knowledge in regard to TA rules he has revised his claim. The TA and mileage allowance has to be regulated as per rules on the subject by RVNL Ltd. In regard to exgratia , when it has been paid to other

deputationists it need to be allowed to the applicant too. Judgments quoted by the applicant are not relevant as HRA has been paid by the parent organisation in regard to the dispute pertaining to payment of rent to the land lady by the applicant. Therefore based on the above deliberations the OA is partly allowed and the Respondents are accordingly directed to consider as under:

- i) Scrutinise and release the TA ,DA and mileage allowance as per rules on the subject
- ii) Release the ex-gratia payment due to the applicant on par with other deputationists as per extant rules
- iii) Time calendared to implement the order is 60 days from the date of receipt of this order.
- iv) No order to costs.
- v) MA 160 of 2018 accordingly stands disposed.

Sd/-  
(B.V.Sudhakar)  
Member (Admn.)

Sd/-  
(Jayesh V.Bhairavia)  
Member (Judl.)

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