

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. No.4314/2018

This the 29th day of July, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Shri Ishwar Chander, Age 63 years,
(Ex. Asstt. Fitter)

Late S/o Sh. Diwan Singh,
R/o 338/3, Sudama Nagar,
Behind Girls High School,
Sonipat, Haryana-131001

- Applicant

(By Advocate: Ms. Pooja Tandon)

VERSUS

1. Chairman, DTC Headquarter,
IP Estate, New Delhi-110001

2. Depot Manager, DTC,
Subhash Place Depot,
Delhi-110035

- Respondents

(By Advocate: Mr. Chandra Shekhar for Mr. Karunesh
Tandon)

O R D E R (Oral)

The applicant has filed this OA seeking the following
reliefs:-

- “1. Quash the orders passed vide office letter No.SBPL/PFC(M)/18/2198 dated 07.06.2018 (Annexure A-1) to the representations of the applicant.
2. Direct the respondents to release the arrears of Transport Allowance from 01.09.2008 till 01.11.2018.
3. That this Hon'ble Tribunal graciously be pleased to grant cost for the harassment against the respondents and in favour of the applicant.

4. Pass any other or further order which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."
2. It is the case of the applicant that he has been working with Delhi Transport Authority as Ex. Asstt. Fitter B.No.9836, T.No.45532 at Subhash Place Depot, Delhi. He has stated that he had met with an accident while he was performing his duties with the respondent on 18.02.1998 resulting in insertion of rods in his legs and subsequently amputation in 2004. The applicant has stated that he made many requests to the Corporation for release of transport allowance as permitted to people in his category but the same was denied to him from 2004 when the said amputation took place. He was only given the benefits admissible to him as per the disability certificate submitted by him on 02.07.2014.
3. Counsel for the respondents states that when the applicant gave his certificate of disability, they have considered the same and sanctioned the transport allowances accordingly. However, he is not able to explain as to why the respondents did not take up the matter of the applicant for grant of disability transport allowance which was granted to the disabled people of his category when he suffered with this disability during the course of his employment with the respondent.

4. Counsel for the applicant is able to show the order dated 26.04.2013 which reads as under:-

“It is notified for information and necessary action by all concerned that DTC Board vide Resolution No.38/2013, Item No.19/2013 dated 9.4.2013 has accorded approval that the Transport Allowance to Orthopedically Handicapped Employees of DTC be granted in terms directions of OM No.2142/2008-E-II(B) dated 29.8.2008 (photocopy enclosed) issued by Govt. of India, Ministry of Finance, Department of Expenditure, New Delhi, with retrospective effect i.e. from 01.09.2008. The Transport Allowance would be calculated with the same pattern vide Circular No.AdI-7(42)/2013/217 dated 22.3.2013.”

The said order clearly states that the transport allowance to Orthopedically handicapped employees of DTC will be granted in terms of the above order. We have also perused the order dated 07.06.2018 passed in this regard which reads as under:-

“Reference his representation dated 01.06.17 for grant of Transport Allowance w.e.f. 01.09.08. In this connection, Sh. Ishwar Chander, Ex-A/fitter, B.No.9836, T.No.45532, is informed that his request has not been acceded to by the competent authority as per the rules of this Corporation.”

Hence, we find that the aforesaid order is totally a non-speaking one which does not give any reason for denying the applicant of disability transport allowance as per rules of respondent DTC order dated 07.06.2018. Hence, the same is set aside.

5. In view of the above factual position, the respondents are directed to sanction the disability transport allowance to this applicant as per rules adopted by them vide their own

Resolution No.Adml-7(42)/2013/312 dated 26.04.2013 and calculate the amount payable to the applicant, within a period of 60 days of receipt of a copy of this order and pay the arrears to the applicant within 30 days thereafter.

6. With the above directions, the OA is allowed and disposed off. No order as to costs.

(Nita Chowdhury)
Member (A)

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