

Bench

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE
CONTEMPT PETITION NO.21/2019 IN ORIGINAL APPLICATION NO.170/00431/2017
DATED THIS THE 30th DAY OF AUGUST, 2019
HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER
HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER**

T.C.Gupta
S/o Shri Gyan Chand
Aged about 64 years
R/o S-77, Golden Enclave
Old Airport Road
Bangalore-560017
Retired Joint Commissioner
of Income Tax
Bangalore.

....Applicant

(Party-in-person)

Vs.

1. A.N.Jha, Finance Secretary
Ministry of Finance
Government of India
North Block, New Delhi-110011.
2. B.R.Balakrishnan
Pr.Chief Commissioner of Income Tax
C.R.Building
Bangalore-560001.

...Respondents

(By Advocate Sri Vishnu Bhat, Sr. Panel Counsel)

ORDER
(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

This Contempt Petition has been filed by the petitioner alleging non-compliance of the order dtd.30.08.2018 passed by this Tribunal in OA.No.431/2017 with 432/2017(Annexure-C1) whereby the Tribunal directed the respondents to make the payment of the TA bills. According to the petitioner, the TA bills of Rs.65280/- have been passed as against the pending bills of Rs.99824/-. Thus, the bills of

Rs.34544/- are still pending. He submitted representation dtd.13.2.2019 (Annexure-C2) but the respondents have not taken any action in the matter which clearly amounts to contempt.

2. A reply was submitted on behalf of the respondents wherein they submit that as per the reply to the OA, pending TA bills amounted to Rs.133287/- out of which Rs.22897/- pertains to pending TA bills for which the applicant has filed a separate OA.No.432/2017 on the issue of grant of relaxation of travel by private airlines. As such, the effective pending TA bills as per OA.431/2017 worked out to Rs.110390/- only. The applicant himself has requested vide application dtd.18.4.2017 to pass the pending bills after reducing the amount of fare for travel by private airlines and also stated that after grant of relaxation by the Board, the balance amount to be passed. Since the amount of fare by private airlines which was part of the bills amount to Rs.22897/- which is related to OA.No.432/2017, the said amount is not included. They submit that out of the pending TA bills amounting to Rs.110390/-, an amount of Rs.98753/- was credited to the account of the applicant after passing of all the TA bills subject to entitlement/eligibility. If the disallowed amount of Rs.11637/-(Rs.110390-Rs.98753) is taken into account, the total works out to Rs.34534/- (Rs.22897 + Rs.11637) which the applicant claims as pending. And hence there is no disobedience to the orders of this Tribunal.
3. The petitioner has submitted a rejoinder giving the details of all the TA bills and submitted that out of the total bills of Rs.253134/-, an amount of Rs.218590/- has been passed. The amount of Rs.34544/- is still pending in spite of the Tribunal's order dtd.30.8.2018. The bills of Rs.119837/- had already been passed before

filing of the OA on 4.8.2017. Even after filing the OA, the bill of Rs.33474/- was passed on 22.11.2018. In all the bills submitted, the amount was claimed on the same rates. In these bills passed, no deduction was made by the respondents. As far as rate of mileage for per km of taxi charges is concerned, there was no reduction in the rates. Rather, the RTO office increased the taxi rates for smaller taxi between Rs.11 to 22 per km. and Rs.20 to 45 per km. for midsize taxi. The amount in these bills was also claimed on the same rates. In compliance to the order of this Tribunal, the respondents have passed the bills on 2.1.2019 deducting an amount of Rs.11647/- without assigning any reason and without providing any opportunity of being heard. The remaining TA bills of Rs.11359 and Rs.11538/- involving relaxation for journey by private airlines, submitted in 2016 and 2017 are still pending in spite of clear directions by this Tribunal. This shows that the respondents have no respect for the orders of this Tribunal.

4. We have heard the Learned Counsels for both the parties and have carefully examined as to whether there has been any wilful violation of the order passed by this Tribunal dtd.30.08.2018 in OA.No.431/2017 and 432/2017. In OA.No.431-432/2017, we had ordered for the payment of the travelling allowance bills submitted by the contempt petitioner relating to the journey undertaken by him between Bangalore and Jaipur. The respondents have stated that except for the travel in the private Airlines amounting to Rs.22897/- with respect to other pending TA bills, some reduction has been made for inadmissible items and the balance amount has been paid to the contempt petitioner. The contempt petitioner also does not dispute the amount except for stating that even though the transportation cost rates relating to the taxi etc., have only gone up, the

respondents have deducted an amount of Rs.11647/- out of the bills passed without assigning any reason and without providing any opportunity of being heard. Secondly, even though the order relating to the travel undertaken by private Airlines has already been clearly ordered to be considered favourably vide our order dtd.30.8.2018, the respondents are still considering the matter without any satisfactory solution. This Tribunal had specifically mentioned in the order in the Original Application No.431-432/2017 that the delay in passing these claims raised obvious doubts about the respondents' malice towards the applicant. It is apparent that even though a substantial part of the claim of the contempt petitioner has been settled, there are certain items deducted as inadmissible and the applicant has every reason to demand for the details of the same so that he can agitate the same if necessary. Similarly, the delay in the payment for the private Airlines even after a lapse of almost a few years, is not acceptable at all. Since a substantial part of the remedy has already been given, we dispose of the contempt petition directing that the respondents shall settle the balance claims relating to the private Air travel within a period of one(1) month from the date of issue of this order and if not paid, with an interest of 12% per annum thereafter. They shall also provide the details of the claims deducted by them as inadmissible within a period of one(1) month from the date of issue of this order. No costs.

(C.V.SANKAR)
MEMBER (A)
/ps/

(DR.K.B.SURESH)
MEMBER (J)

Annexures referred to by the petitioner in CP.No.21/2019

Bench

Annexure-C1: Copy of order dtd.30.8.2018

Annexure-C2: Copy of representation dtd.13.2.2019

Annexures with reply statement:

Annexure-R1: Copy of payment details regarding passed TA Bills

Annexures with rejoinder:

-NIL-
