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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 533 OF 2003

New Delhi, this the 8th day of March, 2004

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

R.K. Rawat,
S/o Sh. Raj Kumar Rawat,
Additional Registrar,
Railway Claims Tribunal,
Principal Bench,
13/15, Mall Road,
Delhi-110 054

.....Applicant

(By Advocate : Shri G.D. Bhandari)

Versus

1. Union of India
through
The General Manager,
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.
2. The General Manager,
C.O.R.E.,
Nawab Yusuf Road,
Civil Lines,
Allahabad.
3. The Chief Project Manager,
Railway Electrification,
Ambala Cantt.

.....Respondents

(By Advocate : Shri Rajinder Khatter)

ORDER

This application under section 19 of the Administrative Tribunals Act, 1985 has been filed by the applicant claiming the following reliefs:-

"i) declare that non-payment of the Composite Transfer Grant to the applicant is in violation of the Rules and the policy directions and further direct that the respondents to pay the same most expeditiously with 24% p.a. interest. Further directions to pay the salary from 9.3.2002 to 13.4.2002 may kindly be given.

ii) any other relief deemed fit and proper may also be given in the interest of justice."

Am. Singh



2. The learned counsel of the applicant at the time of hearing orally submitted that so far as the direction to pay from 9.3.2002 to 13.4.2002 is concerned, the same is not pressed. Therefore, the only grievance in this OA is in regard to non-payment of the Composite Transfer Grant. It is stated by the applicant that by an order dated 14.2.2002 (Annexure-A1), the applicant was transferred from Moradabad to Ambala Cantt. The applicant submitted representation on 7.10.2002 (Annexure-A7) that he assumed the duties at the place of posting at Ambala Cantt and he was not paid the composite transfer grant equal to one month basic pay. The claim has been rejected. Therefore, this OA has been filed claiming the reliefs as stated earlier.

3. The respondents have opposed this OA on several grounds. The preliminary objection raised by the respondents is that this Tribunal has no territorial jurisdiction to entertain this application as the jurisdiction falls either within Ambala Division or Moradabad. It is also stated that this OA filed on 5.3.2002 is premature. The learned counsel of the respondents further stated that the applicant was not entitled for composite transfer grant. He referred to the communication dated 24.10.2002 (Annexure-R4) wherein the applicant has been informed that as per his declaration dated 18.3.2002, the new place of his residence was Railway Officers Rest House, Ambala but on perusal it was found that no such Officers Rest House was allotted to the applicant. He

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referred to the terms and conditions for grant of composite transfer grant wherein it has been stated that it will be subject to the following condition:-

"1. Composite Transfer Grant will not be admissible if there is no change in the residence of the Railway servant, as a result of transfer."

4. According to the respondents' learned counsel, the applicant was required to submit documentary proof in support of his case but no proof has been submitted.

5. The learned counsel of the applicant has stated that the address given in the OA is of Delhi and, therefore, this Tribunal has jurisdiction in respect of the applicant. He has also stated that the entire record of the Officers Rest House was called for to examine whether the applicant ever resided in the same or not.

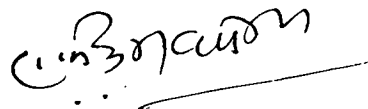
6. The contentions of the learned counsel of the parties have been considered and the material on record has been looked into.

7. Without going into the preliminary objection raised by the respondents, it can be safely stated that the applicant has been making claim and has filed this OA without due consideration and care. Neither in the facts of the case nor in the list of dates, there is any mention how the person posted at Ambala could suddenly become "Additional Registrar, Railway Claims Tribunal, Principal Bench, 13/15, Mall Road, Delhi". However, this may not prejudice the claim of

Consent

the applicant provided "he was eligible for Composite Transfer Grant". From the material, available on record, it is seen that as per the applicant's declaration dated 1.3.2002 (Annexure-R1) his new residential address was "Railway Officers Rest House, Ambala Cantt." This declaration was for claim of the composite transfer grant. The respondents have submitted the report of the Senior Personnel Officer, Railway Ambala Cantt. (Annexure-R3) that no such Officers Rest House at Ambala Cantt. was allotted to the applicant. Not only this, the Chief Project Officer, Railway, Ambala Cantt. vide his letter dated 24.10.2002 (Annexure-R4) has clearly mentioned that the applicant had made a wrong declaration for claim of the composite transfer grant. He further mentioned in the letter that after receipt of the reply of the office letter dated 18.3.2002 further action in the matter will be taken. The applicant has not filed any rejoinder. Therefore, the claims of the applicant made in this OA have gone uncontested.

8. On the facts of this case and for the reasons mentioned here-in-before, this OA is dismissed without any order as to costs. However, this order will not preclude the respondents from making payment of composite transfer grant to the applicant if he furnishes evidence to the satisfaction of the respondents that he was allotted and stayed at Railway Officers Rest House.



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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