

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2629/2003

New Delhi, this the 22nd day of July, 2004

Hon'ble Shri S.K. Naik, Member(A)

Dr. A.K. Belwal
137, Sukhdev Vihar
New Delhi

(Applicant in person)

versus

Union of India, through

1. Secretary
Tariff Commission, New Delhi
2. Shri Shamshul Haq
SO, Tariff Commission, New Delhi
3. Pay & Accounts Officer
Deptt. of IP&P, New Delhi
4. Addl. Secretary/Financial Advisor
Deptt. of IP&P, New Delhi
5. Addl. Secretary/Financial Advisor
Deptt. of Expenditure, New Delhi
6. Shri M.K.Bezbaruah, IAS
Principal Secretary(Finance)
Delhi Govt. Sectt. New Delhi
7. Dr.V.K.Agnihotri, IAS
Secretary
Min. of Parliaamentary Affairs
New Delhi

.. Respondents

(Shri R.V. Sinha, Advocate)

ORDER(oral)

The applicant Dr. A.K.Belwal is aggrieved that his TA/DA bills for various official tours undertaken by him between 1999-2001 have not been passed for payment. He contends that despite various representations submitted in this regard and favourable recommendations made by the responsible senior officers in the matter, respondents have until now denied the payment, which is legitimately due to him. He has further submitted that he could not submit the claims in time but since provision exists for relaxation in the Rules, respondents ought to have taken a lenient view and settled his claims.

For

2. Respondents have contested the claim. Their counsel has referred to the counter reply filed on their behalf and stoutly defended the action of the respondents by stating that the applicant being a senior responsible officer should have been aware of the rule position with regard to preferring TA/DA claims for journeys undertaken for official purpose. SR 194A clearly states that right of a government servant to Travelling Allowance, including daily allowance, is forfeited or deemed to have been relinquished if the claim for it is not preferred within one year from the date on which it became due. Applicant in this case had preferred his claim for the year 1999-2001 after a lapse of more than 3 to 5 years. While not only no satisfactory explanation was offered for the delay in preferring the claim, applicant in his own words has stated that he is at fault, meaning thereby that the lapse is attributable to him alone. Thus no relief can be allowed at this belated stage, the counsel contends. He has further argued that rules do not provide for any relaxation in the matter and the applicant cannot take advantage of his own wrong. The counsel has also contended that this OA is not maintainable under Section of Administrative Tribunals Act, 1985 as the cause of action is not^a continuing one and needs to be dismissed on this count also.

3. I have considered the arguments advanced by the applicant and also the counsel for the respondents.

Order



1. I am afraid the grounds advanced by the applicant are not tenable. He, being a senior responsible officer, should have been aware of the rule position which clearly states that the right of the government servant is forfeited if the said claims are not preferred within a period of one year. The applicant has not advanced any explanation for the delay but on the contrary admitted his fault. As rightly argued by the counsel for the respondents, the applicant cannot be rewarded for his own lapse, especially when the rule specifically bars the same. Under the circumstances, I find no merit in the present OA and the same is dismissed. No costs.

S. K. Naik

(S.K. Naik)
Member(A)

/gtv/