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**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2781/2003

Thursday, this the 11th day of November 2004

Hon'ble Shri Shanker Raju, Member (J)

Syed Afzal Husain
Retired CBS/ N. Railway
Delhi Sarai Rohilla

Residential Address:

Syed Afzal Husain
A-131, Bharat Vihar (Rajapuri)
PO Uttam Nagar
New Delhi-59

...Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India through

1. The General Manager
North Western Railway, Jaipur
2. The FA & CAO
North-Western Railway, Jaipur
3. The Divisional Railway Manager
North-Western Railway, Bikaner

...Respondents

(By Advocate: Shri R.C. Malhotra for Shri R.L. Dhawan)

ORDER (ORAL)

Heard the learned counsel for the parties. The claim of the applicant is for release of an amount from the TA journals from December 1999 to June 2002 and payment of TA journals from July 2002 to May 2003, which has been rejected by the respondents vide order dated 28.8.2003. This order is assailed by the applicant in the present OA.

2. Learned counsel for applicant contends that as per Rule 1.2 (ii) of the PS 11866/99, upper limit of one day's DA is applicable only for local journeys and the aforesaid upper limit is not applicable when undertaking journey for outstation. The respondents while considering the claim of the applicant have not considered this rule.

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3. Learned proxy counsel for respondents has vehemently opposed the contentions raised by the applicant.

4. On a careful consideration of the rival contentions of the parties, OA succeeds and is partly allowed. The impugned order is quashed and set aside. The matter is remanded back to the respondents to re-examine the claim of the applicant in the light of the rules referred to above by passing an appropriate speaking order within a period of three months from the date of receipt of a copy of the present order. The applicant thereafter be accorded all the consequential benefits. No costs.


(Shanker Raju)
Member (J)

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