

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.3670/2015

New Delhi, this the 27th Day of November, 2019

**Hon'ble Mrs. Justice Vijay Lakshmi Member(J)
Hon'ble Mr. Pradeep Kumar, Member (A)**



Sh. Nagendra Kumar
 S/o G.L. Sharma, Steno-II
 GAD (under Posting)
 R/o H.No. 18/160, Gali No.2
 East Moti Bagh, Sarai Rohilla
 Delhi. ...Applicant

(By Advocate: Sh. A.K. Mishra)

Vs.

1. HOD General Administration Department
 Govt. of NCT of Delhi
 General Administration Department
 2nd Level, 'A' Wing, Delhi Secretariat
 I.P. Estate, New Delhi.

2. DCA Accounts Branch
 The Assistant Returning Officer -06(WDPC)
 Room No.320, 3rd Floor
 Sector-9, Dwarka, New Delhi.

3. DDO (Former)/DDO present
 The Assistant Returning Officer
 AC-26 (Madipur)
 Sub Divisional Magistrate
 (Alipur). ...Respondents

(By Advocate: Ms. Sangita Rai)

Order (Oral)

Mrs. Justice Vijay Lakshmi, M(J)

Heard Shri A.K. Mishra, learned counsel for the applicant and Ms. Sangita Rai, representing the respondents and perused the record.



2. The applicant, by means of this OA, has challenged the order dated 30.06.2015 passed by Respondent No.1 whereby the applicant's claim for TA bill/mode of conveyance bill, has been rejected by Respondent No.1.

3. The brief facts giving rise to the controversy involved in the instant OA are that the applicant was assigned duty in Lok Sabha General Elections 2014. He performed his duties as per orders of his superiors and while doing so, he had to travel from his house situated at East Moti Bagh, Sarai Rohilla, Delhi to SDM Office Rampura, Delhi and also to IIT, Sector-9, Dwarka, New Delhi. On account of travelling from his house to the places of duty, the applicant had to incur taxi expenses amounting to a total of

Rs.29,964/- . The applicant submitted his TA bill and receipts of taxies, but his TA bill was rejected by the respondents through the impugned order.



4. Learned counsel for the applicant has questioned the legality and correctness of the aforesaid impugned order by contending that an instruction had already been issued by Election Commission vide its order dated 09.02.1996 (copy of the Election Commission's order has been annexed as Annexure A-6 on record) with clear mention that all persons put on election duty may be paid as far as possible, 100% of the TA/DA admissible to them immediately within 24 hours of the completion of their duty. Therefore, the refusal to grant the TA/DA bill by the respondents is totally unfair, unjust, violating the fundamental rights of the applicant and is against the principles of natural justice.

5. On the aforesaid ground, it has been prayed that the impugned order be set aside and the respondents be directed to release the TA/DA bills amounting to Rs.29,964/- with 24% interest.

6. Learned counsel for the respondents has vehemently opposed the OA by drawing our attention to the circular/order dated 02.03.2015 of office of Chief Electoral Officer, which has been annexed as Annexure A-11 by the applicant himself, to show that there is a clear mention in it that:-



“.. Travelling Allowance is not admissible for the journey performed by officers/officials from their residence to the temporary duty point. However, they are entitled to Travelling Allowance, provided they performed any local journey in connection with official duty from the temporary duty point, which will be regulated as per SR-71.”

7. Our attention has also been drawn by learned counsel for the respondents to the impugned order dated 30.06.2015 which has been passed in compliance of the directions issued earlier by this Tribunal in OA No.1569/2015, whereby the respondents after going through the records and hearing the parties have rejected the claim of the applicant, as not admissible, in view of the circular quoted above.

8. The further contention of the learned counsel for the respondents is that the applicant has never challenged the legality of the aforesaid circular and in view of the aforesaid circular, his TA/DA claim is not admissible to him and has been rightly rejected by the impugned order.



9. Considering the facts and circumstances of the case, we do not find any merit in the OA and it is hereby dismissed. There shall be no order as to costs.

(Pradeep Kumar)
Member(A)

(Justice Vijay Lakshmi)
Member(J)

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