(2022) 11 CAT CK 0058

In the Central Administrative Tribunal

Case No : Original Application No. 1452 Of 2016

Mahesh Chand & Ors — APPELLANT

Vs

Union Of India & Ors — RESPONDENT

Date of Decision : 28-11-2022

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19
Railway Servant (Pass) Rules, 1986 — Rule 1606, 1606(4)

Citation : (2022) 11 CAT CK 0058

Hon'ble Judges : Om Prakash VII, Member (J)

Bench : Single Bench

Advocate : S.M. Ali, Mahendra Prasad Mishra

Final Decision : Dismissed

Judgement

Om Prakash VII- Member (J)

1. Applicants have filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:-

i) to quash the impugned order dated 2.8.2016 with all consequential benefits.

ii) to direct the respondent No. 3 to consider and to provide the revised TA/DA to the applicants and its arrears w.e.f. 1.9.2008 in the light of circular dated 1.12.2008 as per physical working of the applicants.

iii) to pass any such/other order as deem fit in the facts and circumstances of the case.

iv) award the cost of the petition in favour of the applicants.

2. The brief facts of the case are that the applicants are working on the post of Pump Operater under the respondent No. 3 and they are attending the office namely Notghat, Gariya and Webri Pump House which are more than 8 Kms. away from the Head Quarter. Respondent No. 3 wrote a letter dated 9.10.2001 to

Sr. DPO Jhansi for granting the travelling allowance and daily allowance to the staff, who are going on pump for duties daily after reporting to Sr. S.E. office, which are situated more than 8 Kms away from the office. Some similar situated persons filed O.A. No. 14 of 2010 before CAT Allahabad Bench with request to grant the TA and D.A. under the rules and this Tribunal vide order dated 16.11.2010 disposed off the same directing the respondents to consider their representation by reasoned and speaking order. Thereafter, respondents granted approval for fixed conveyance charge to the employees during the pendency of O.A. No. 14/2010 vide order dated 6.9.2010 and also granted fixed conveyance allowance to the applicants by order dated 22.9.2011 in compliance of order dated 16.11.2010. It is further stated that as per the recommendations of 6th Pay Commission, the travelling allowance for journey on duty is applicable to the employees who are travelling on duty more than 8 Kms away from the Headquarter. In respect of Railway servants, revised TA/DA are admissible as per RBE No. 17/2007 dated 2.2.2007 (Annexure No. A-6 to the O.A.). It is further stated that mileage allowance and daily allowance have been revised w.e.f. 1.9.2008 for the employees, who are travelling on duty more than 8 Kms. from office but the respondents have not granted this revised allowance to the applicants and its arrears under rules. Applicant filed representation on 2.2.2016 for granting the revised TA /DA, which is still pending. Applicant filed O.A. No. 783/2016 which was disposed off by the Tribunal on 3.6.2016 with direction to decide the representation of the applicants dated 2.2.2016. Respondents rejected the claim of the applicants vide order dated 2.8.2016, which is challenged in the present O.A.

3. Respondents have filed counter Affidavit and submitted that RBE No. 17 of 2007 are applicable only upon the employees who are entitled for journey on tour and not otherwise as only a consolidated conveyance allowance is admissible for discharging their duties as Pump Operater. Hence the applicants are not entitled for revised TA/DA.

4. Heard learned counsel for parties.

5. Learned counsel for the applicants during the course of arguments reiterated the facts as stated in the O.A., He further argued that after reporting the Headquarters, applicants go to other pumps which are more than 8 Kms away from the headquarter and after completing their duty, they again reports to headquarter. It is further argued they are not being paid any conveyance allowance. They are getting fixed allowance but they are entitled for TA/DA as admissible under the Railway Board Circular. Learned counsel for applicants also placed Rules of Indian Railway Establishment Code, 2005 showing the rulings on permanent or consolidated travelling allowance, conveyance allowance and Mileage allowance.

6. Learned counsel for respondents argued that TA/DA are applicable to those employees who goes on tour. Since the applicants are doing local journey, hence they are being paid consolidated amount for this purpose and they are not

entitled for TA/DA and other allowances.

7. I have considered the rival submissions made by the learned counsel for the parties and carefully gone through the entire record.

8. Rule 1605 of IREM shows that a permanent monthly allowance may be granted by the Ministry of Railways to any railway servant whose duties require him to travel extensively. Except as provided in sub rule (3) and (5) such an allowance shall be in lieu of all other forms of travelling allowance for journey within the railway servants sphere of duty and may be drawn all the year round whether the railway servant is absent from his headquartr or not. For journey by rail on the open line, a railway servant in receipt of permanent travelling allowance shall be granted passes under the Railway Servant (Pass) Rules, 1986. Rule 1606 indicates conveyance allowance who required to travel extensively at or within a short distance from his headquarter. Which also shows that in calculating the mileage travelled, only the journeys performed on duty within a radius of 8 Kms from journey shall be taken into account. Since the applicants are going other Pumps which are more than 8 Kms., hence they are claiming TA/DA. It is clear from record that TA/DA is admissible only on tour and not for local journey. In the impugned order, it is clearly mentioned that applicants are Pump Operator, during the performance of their duties, they were allotted Pump House. In lieu of that they are getting consolidated conveyance allowance as per Railway Board's letter No. F(E)I/2008/AL-7/3 dated 3.10.2008 and Rule 1606 (4) of IREC Vol. II. Therefore, I am of the opinion that respondents have rightly rejected the claim of the applicants for TA/DA. No illegality is found in the impugned order and the O.A. is not liable to be allowed.

9. Accordingly, the O.A. is dismissed. No order as to costs.

