
(2019) 07 UK CK 0129

In the Uttarakhand High Court

Case No : Review Application No. 712 Of 2016, Delay Condonation Application In Review No. 11089 Of 2016, In And Writ Petition (S/B) No. 77 Of 2013

Sankar Dutt Pandey

APPELLANT

Vs

State Of Uttarakhand & Ors

RESPONDENT

Date of Decision : 15-07-2019

Acts Referred:

Citation : (2019) 07 UK CK 0129

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : A.K. Pandey, Prabha Naithani

Final Decision : Dismissed

Judgement

Ramesh Ranganathan, CJ

1. The application, seeking condonation of delay of 1242 days in preferring this Review Application, is not opposed by Mrs. Prabha Naithani, learned Brief Holder for the State of Uttarakhand, and the delay is, therefore, condoned. Delay condonation application is, accordingly, disposed of.

2. This Review Application is filed seeking review of the order passed by a Division Bench of this Court in Writ Petition (S/B) No. 77 of 2013 dated 09.04.2013. In the order under Review, the Division Bench observed that, while in service, the petitioner drew transfer allowance suggesting that he and his family used money, representing the transfer allowance claimed, for travelling from the place where he was posted to the place where he was transferred; this amount was recovered post-retirement of the petitioner; questioning this recovery, the petitioner had filed a claim petition before the Tribunal; the Tribunal had held, as was held departmentally, that the petitioner did not bring on record anything to suggest that, in fact, he had taken his family along with him justifying the expenditure of the transfer allowance drawn by him; and, in such circumstances, the Tribunal did not interfere with the recovery. While expressing

its inability to take a contrary view, the Division Bench dismissed the writ petition.

3. This Review Application is being filed contending that there were certain errors in the order of the Tribunal, including that it had wrongly recorded the retirement year of the petitioner as 1998, when in fact he had retired thereafter; if the employer was of the view that punishment should be imposed, then disciplinary proceedings should have been initiated; and the amount recovered from him, of Rs. 6,726.70/-, should be directed to be refunded to him.

4. In its order, in Claim Petition No. 76/T/08 dated 19.11.2010, the Tribunal observed that the petitioner had claimed transfer T.A. of Rs.6,726.70 for nine tickets claiming that he had travelled by first class, and a copy of his transfer T.A. bill was also annexed with his letter; in the inquiry conducted against him, the petitioner was found guilty of claiming false transfer T.A. as he did not take his family along with him on his transfer; a perusal of the transfer T.A. bill revealed that the petitioner had claimed transfer T.A. indicating that, on 11.08.1991, he started his journey on transfer along with his family members by train; the letter written by the petitioner to the Director revealed that, during inquiry, the petitioner had submitted nine tickets indicating that he had travelled from Dineshpur to Srinagar by bus, which clearly showed, as contended by the respondent, that the petitioner had claimed a false T.A. bill; and no interference was, therefore, called for.

5. While the T.A. bill submitted by the petitioner was on the basis that he and his family members, totaling to nine members, travelled by first class train from Dineshpur to Srinagar, the petitioner himself had later stated that they had travelled by bus. The Tribunal was, therefore, justified in concluding that no interference was called for. The Division Bench has merely refused to exercise discretion to interfere with the order passed by the learned Tribunal.

6. Review is not a re-hearing of the writ petition, and it is only if the order under review suffers from an error apparent on the face of record, would interference be justified. No such error, warranting interference, has been pointed out by the learned counsel for the review applicant.

7. The Review Application fails and is, accordingly, dismissed. No costs.