

In the High Court of Judicature at Madras

Dated : 30.6.2015

Coram :

The Honourable Mr. Justice V. RAMASUBRAMANIAN
and
The Honourable Mr. Justice T. MATHIVANAN

Writ Petition No.19023 of 2015

J. Umashankar, Offset Machine Man
Grade II, Unit III, Government Central
Press, Puducherry

...Petitioner

Vs

1. Government of Puducherry, rep. by
its Chief Secretary, Puducherry.

2. Government of Puducherry, rep. by its
Director, Directorate of Stationery &
Printing, Puducherry.

3. The Joint Director, Directorate of
Stationery & Printing, Puducherry.

4. Central Administrative Tribunal by its
Registrar, High Court Campus,
Chennai-104.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari or Mandamus to call for the records in O.A.No.143 of 2013 on the file of the 3rd respondent dated 29.1.2015, quash the same and consequently direct the second respondent to grant T.A. along with joining time and pay for the same for the transfer from Karaikkal to Puducherry on 21.2.2011.

For Petitioner : Mr. J. Srinivasa Mohan

Order of the Court was made by V. RAMASUBRAMANIAN, J

The petitioner has come up with the above writ petition questioning the correctness of the order passed by the Central Administrative Tribunal, rejecting his challenge to an order cancelling the sanction of transfer travelling allowance.

2. Heard Mr. J. Srinivasa Mohan, learned counsel for the petitioner.

3. When the petitioner was working as an offset machine man Grade II at Puducherry, he was transferred to Karaikkal by an order dated 25.8.2010. He joined there on 9.9.2010. It appears that he made a

representation on 12.11.2010 for a re-transfer to Puducherry. It was followed by a representation dated 5.1.2011 to the Chief Minister.

4. By an order dated 21.2.2011, which did not indicate any reason, the petitioner was re-transferred back from Karaikkal to Puducherry. He was given pay for joining time, but was not sanctioned the transfer travelling allowance. Subsequently, the demand made by the petitioner for the grant of travelling allowance was rejected, forcing the petitioner to file an application in O.A.NO.143 of 2013 before the Central Administrative Tribunal, Madras Bench. The said application was dismissed by the Tribunal by an order dated 29.1.2015. Challenging the said order, the petitioner is before us.

5. There is no denial of the fact that if a person is transferred at his own request, he is not entitled to travelling allowance. It is an admitted case that the petitioner made a request for re-transfer to Puducherry. But, the order of re-transfer dated 21.2.2011 did not make a mention about the request made by the petitioner. Therefore, the petitioner went before the Tribunal claiming that when there is no causal connection between his request and the order of transfer, he cannot be deprived of the travelling allowance. However, the Tribunal negated the claim on the ground that the transfer was actually at his request and that therefore, he cannot make a claim for travelling allowance.

6. We find nothing wrong in the order of transfer. It is true that the order of transfer dated 21.2.2011 does not mention that it is a transfer on request. Nevertheless, the respondents 1 to 3 have pleaded very clearly in their reply statement before the Tribunal that the transfer order was at his request. The fact that from the date of transfer to Karaikkal, the petitioner had been giving representations for re-transfer is not denied. As a matter of fact, the re-transfer has been ordered within a matter of about four months. Therefore, the Tribunal was right in rejecting the case of the petitioner. Merely because the withdrawal of benefits was ordered after one year, the petitioner cannot seek any benefit. The fact that the respondents 1 to 3 woke up from their slumber after one year was actually a matter that requires condemnation, but not grant of benefit to the petitioner.

7. Accordingly, the writ petition is dismissed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Chief Secretary, Government of Puducherry, Puducherry.

2.The Director, Directorate of Stationery & Printing, Government of Puducherry, Puducherry.

3.The Joint Director, Directorate of Stationery & Printing,
Puducherry.

4.The Registrar, Central Administrative Tribunal, High Court Campus,
Chennai-104.

+1 cc to Mr.J.Srinivasa Mohan, Advocate,SR.32311.

Vsn(co)
krd 16/7

WP.No.19023 of 2015



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