

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 11740 of 2015 (O&M)

Date of decision : 20.07.2015

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N.K. Bhalla

.....Petitioner

vs.

The Commissioner, NVS, Institutional Area,
Noida (UP) and others

.....Respondents

**Coram: Hon'ble Mr. Justice Surya Kant
Hon'ble Mr. Justice P.B. Bajanthri**

Present: Sh. N.K. Bhalla, petitioner in person.

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1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

P.B. Bajanthri, J.

The petitioner is aggrieved by the order dated 31.7.2014 passed by the Central Administrative Tribunal, Chandigarh Bench, dismissing his OA No. 060/00006/14.

(2) The petitioner while working as Assistant Commissioner, Navodaya Vidyalaya Samiti at Regional Office, being a Drawing Officer has drawn the phone/mobile phone charges which was meant for those officers of the rank of Assistant Commissioners and equivalent officers, who were working in Navodaya Vidyalaya Samiti

Head Quarters, which was contrary to the office order dated 19.5.2010 vide Annexure P-3. The internal Audit party noticed that the petitioner was not entitled to the reimbursement of residential phone/mobile phone charges while he was working away from the NVS Head Quarters. Consequently, recovery was ordered and it was adjusted from his pensionary benefits. Aggrieved by the action of the respondents, the petitioner preferred an application before the Central Administrative Tribunal, Chandigarh Bench.

(3) The Tribunal dismissed the application of the petitioner while imposing cost of Rs.5,000/-. Feeling aggrieved by the order of the Central Administrative Tribunal, this writ petition is filed.

(4) The petitioner contended that he has challenged the office order dated 19.5.2010 (Annexure P-3), by which benefit of reimbursement of residential phone/mobile phone charges was fixed at Rs.1,500/- by the Navodaya Vidyalaya Samiti, only to those officers of the rank of Assistant Commissioners and equivalent rank holders, who are working in **Navodaya Vidyalaya Samiti Head Quarters**. It was contended that there can't be a distinction among the officers who are working in NVS Head Quarters and other officers who are working other than the NVS Head Quarters like Regional Office. The Assistant Commissioners and equivalent officers are drawing identical scale of pay, therefore, reimbursement of residential phone and mobile phone charges cannot vary. Consequently, taking the benefit under office order dated 19.5.2010 by him, makes no difference. Therefore, the Central Administrative

Tribunal erred in rejecting his application and so also imposing cost of Rs.5,000/-.

(5) Heard petitioner in person. We have perused the records.

(6) The petitioner, was an Assistant Commissioner and a Class I Officer. He being a Drawing Officer, ought to have seen the restriction imposed vide the circular before drawing the reimbursement of residential phone/mobile phone charges, on par with officers of NVS Head Quarters which was contrary to office order dated 19.5.2010 (Annexure P-3). The petitioner, before drawing the residential phone/mobile phone charges with reference to the limit earmarked for those Assistant Commissioners and equivalent rank officers, NVS Head Quarters, should have challenged the validity of the office order dated 19.5.2010, which prohibits him to take the reimbursement of residential phone/mobile phone charges on par with those officers who are working in NVS Head Quarters. It is to be noted that at the relevant point of time, he was not working at NVS Head Quarters, hence was not entitled to the benefit availed by him. Thus there is no infirmity in the impugned actions of the official respondents. No doubt, the petitioner is in the grade of Rs.7,600/-. He is not entitled for reimbursement of phone charges of Rs.1,500/- as he was not working at NVS Head Quarters. Those officers who are working at NVS Head Quarters were required to deal with Regional Offices and JNVs situated in the country. Officers with a grade pay of Rs.7,600/- and those who are working in the Regional Offices, and have lesser work than those officers who are working in NVS Head

Quarters. Therefore, classification of phone/mobile charges reimbursement appears to be in order and there is no arbitrary action as contended by the petitioner. Reading of Annexure P-3 dated 19.5.2010 which provides for residential telephone and Mobile charges @ Rs.1,500/-, shows that it has been communicated to only those officers who were working at NVS Head Quarters. The petitioner has questioned Annexure P-3 the office order dated 19.5.2010, only in the year 2014, when recovery was ordered. However, we take a lenient view, in so far as imposing of cost of Rs.5,000/- is concerned, for the reasons that the petitioner is a retired official. Therefore, we uphold the order of the Central Administrative Tribunal, Chandigarh Bench to the extent of recovery and other orders. In so far as imposition of cost of Rs.5,000/- is concerned, it is set aside.

(7) Accordingly, the writ petition is disposed of.

(8) No order as to costs.

(**Surya Kant**)
Judge

(**P.B. Bajanthri**)
Judge

20.7.2015.
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