IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16863 of 2017

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Ashok Kumar Singh, S/o Late Baij Nath Singh, Resident of At Present Sri Hari Tower, Near Carmel School, Mohalla- Bekar Bandh, PO & PS- Dhanbad, Town & District- Dhanbad, state of Jharkhand. Permanent Quarter No. 498, Private Colony, Krishna Nagar, Suraiya Kuan, P.O. & P.S.- Basaratpur, Town & District- Gorakhpur, State of Uttar Pradesh.

.... Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali, Bihar.
2. The chief Administrative Officer (Construction), North West, East Central Railway, Mahendru Ghat, Patna, Bihar.
3. The Deputy Chief Engineer (Construction/II) East Central Railway, Darbhanga, Bihar.
4. The Executive Engineer, (Construction) East Central Railway, Darbhanga, Bihar.
5. Sri Ram Brikchha Prasad (the then Executive Engineer, Construction, East Central Railway, Darbhanga), At present Designated as Executive Engineer, Construction, East Central Railway, Raxaul, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratyush Kumar, Adv.
Mr. Amar Dev Pandey, Adv.

For the Respondent/s : Mrs. Binita Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 21-11-2017

Heard learned counsel for the petitioner as well as counsel for the Railways.

O.A. of the petitioner was dismissed by the Central Administrative Tribunal, Patna Bench, Patna vide order dated 2nd June, 2017. The prayer for a direction for allowing the Travelling Allowance for the period January, 2012 till date with 15% interest was rejected by the Tribunal for the following reasons:-

"4. The applicant is claiming traveling

allowance for the period January, 2012 to June, 2014. The respondents are relying on Master Circular No.36, as regards arrear claims, which clearly indicates that traveling allowance claim should be submitted within a period of three months from which journey is performed. The applicant is so cunning that he has not assigned even the date of presentation of the TA bills, and even he is not pleading in the OA, when he had submitted the same. However, the TA bills have been returned to the applicant as the same were not countersigned by the competent authority, and were against the rules. If the applicant performed duty in 2012 and 2013, he should have immediately claimed traveling allowance. Since the applicant was a Railway employee, he must have been issued a working pass. There is no question of granting any traveling allowance. In order to claim traveling allowance, there must specific order and it must be accompanied with work performance report. Since the higher authorities or the supervising authority of the applicant has not certified on any of the TA bills, it cannot be entertained by the Department. Since the TA bills were not submitted within three months from the date of performing duty, as performance of duty is also in dispute, and no authority slip enclosed entrusting particular assignment, question of TA cannot be granted. Since the competent authority has refused the traveling allowance on legitimate ground, there is no scope for judicial intervention. Hence ordered."

The reasons provided by the Tribunal, as above, are cogent and valid. There is no infirmity in the impugned order.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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