

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12687 of 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioners seeking a writ of mandamus to declare the action of the respondents in not granting settling-in-allowance to them after transferring them as E.P. operators by proceedings dated 03.06.2016, as illegal and arbitrary. A consequential direction is also sought to the respondents to grant the settling-in-allowance to the petitioners.

2. Heard Sri S. Surender Reddy, learned counsel for the petitioners, and Sri J. Srinivasa Rao, learned standing counsel for Singareni Collieries Company Limited, appearing for the respondents.

3. It is contended by the learned counsel for the petitioners that as per Rule 13.3.1 of the Singareni Collieries Company Limited Travelling Allowance Rules, 2012 (for short "the Travelling Allowance Rules"), an employee on transfer from one station to another station shall be entitled for settling-in-allowance equivalent to $\frac{2}{3}$ rd of one month's pay provided the transfer involves shifting of establishment by a distance of more than 32 kms, that though the transfer of the petitioners to various places is more than 75 kms. from the existing area and they are entitled for settling-in-allowance as per Rule 13.3.1 of the Travelling Allowance Rules, the respondents had not granted the settling-in-allowance to them.

4. On the other hand, learned standing counsel for the respondents contends that the petitioners were transferred on their own request and they were not transferred on administrative grounds, and that Rule 13.3.1 of the Travelling Allowance Rules provides settling-in-allowance only to those employees who are transferred on administrative grounds, but not to such of those employees who are transferred on their own request.

5. Having considered the submissions made by the parties, this Court is of the view that since Rule 13.3.1 of the Travelling Allowance Rules does not specifically state that only such of those employees, who are transferred on administrative grounds, alone are entitled for settling-in-allowance, the case of the petitioners deserves to be considered for grant of settling-in-allowance. Therefore, the petitioners are at liberty to make a representation to the respondents seeking settling-in-allowance, in terms of Rule 13.3.1 of the Travelling Allowance Rules, within a period of two (2) weeks from the date of receipt of a copy of this order, and the respondents shall pass appropriate orders thereon, in accordance with the Travelling Allowance Rules, within a period of eight (8) weeks thereafter. The Writ Petition is, accordingly, disposed of.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

4th January, 2018
cbs

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(disposed of)

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